



AGENDA

REGULAR MEETING

* * *

CLAYTON CITY COUNCIL

* * *

TUESDAY, August 16, 2022

7:00 P.M.

***** NOTICE *****

*Members of the public will be able to participate either in-person at
Hoyer Hall, Clayton Community Library
6125 Clayton Road, Clayton, CA 94517
or
remotely via Zoom.*

Mayor: Peter Cloven
Vice Mayor: Holly Tillman

Council Members

Jim Diaz
Jeff Wan
Carl Wolfe

- A complete packet of information containing staff reports and exhibits related to each public item is available for public review on the City's website at www.claytonca.gov
- Agendas are posted at: 1) City Hall, 6000 Heritage Trail; 2) Library, 6125 Clayton Road; 3) Ohm's Bulletin Board, 1028 Diablo Street, Clayton; and 4) City Website at www.claytonca.gov
- Any writings or documents provided to a majority of the City Council after distribution of the Agenda Packet and regarding any public item on this Agenda is available for review on the City's website at www.claytonca.gov
- If you have a physical impairment that requires special accommodations to participate, please call the City Clerk's office at least 72 hours in advance of the meeting at (925) 673-7300.

Instructions for Virtual City Council Meeting – August 16

Tonight's meeting will be available to the public both in-person and remotely via Zoom. As a courtesy, and technology permitting, members of the public may continue to provide live remote oral comment via the Zoom video conferencing platform. However, the City cannot guarantee that the public's access to teleconferencing technology will be uninterrupted, and technical difficulties may occur from time to time.

To follow or participate in the meeting:

1. **Videoconference:** to follow the meeting on-line, click here to register:

https://us02web.zoom.us/webinar/register/WN_suxMeIgbQNWPgZIqaBNXFw

After clicking on the URL, please take a few seconds to submit your first and last name, and e-mail address then click "Register", which will approve your registration and a new URL to join the meeting will appear.

Phone-in: Once registered, you will receive an e-mail with instructions to join the meeting telephonically, and then dial Telephone: 877 853 5257 (Toll Free)

2. using the *Webinar ID* and *Password* found in the e-mail.

E-mail Public Comments: If preferred, please e-mail public comments to the City Clerk, Ms. Calderon at janetc@claytonca.gov by 5 PM on the day of the City Council meeting. All E-mail Public Comments will be forwarded to the entire City Council.

For those who choose to attend the meeting via videoconferencing or telephone shall have 3 minutes for public comments.

Location:

Videoconferencing Meeting (this meeting via teleconferencing is open to the public)

To join this virtual meeting on-line click here:

https://us02web.zoom.us/webinar/register/WN_suxMeIgbQNWPgZIqaBNXFw

To join on telephone, you must register in the URL above, which sends an e-mail to your inbox, and then dial (877) 853-5257 using the *Webinar ID* and *Password* found in the e-mail.

*** CITY COUNCIL ***

August 16, 2022

1. **CALL TO ORDER AND ROLL CALL** – Mayor Cloven.

2. **MEETING PROTOCOL VIDEO**– City Clerk

3. **PLEDGE OF ALLEGIANCE** – led by Mayor Cloven

4. **CONSENT CALENDAR**

Consent Calendar items are typically routine in nature and are considered for approval by one single motion of the City Council. Members of the Council, Audience, or Staff wishing an item removed from the Consent Calendar for purpose of public comment, question, discussion or alternative action may request so through the Mayor.

(a) Approve the minutes of the City Council's regular meeting of August 2, 2022.
(City Clerk) ([View Here](#))

(b) Approve the Financial Demands and Obligations of the City. (Finance)
([View Here](#))

(c) Adopt a Resolution of the City Council of the City of Clayton Allowing for Video and Teleconference Meetings as Needed during the COVID-19 State of Emergency Under AB 361. (City Manager) ([View Here](#))

(d) A Resolution Authorizing the City Manager and the City Engineer to Execute Caltrans Right of Way Certifications on Behalf of the City of Clayton.
(City Engineer) ([View Here](#))

5. **RECOGNITIONS AND PRESENTATIONS** - None

6. **REPORTS**

(a) City Manager/Staff

(b) City Council - Reports from Council liaisons to Regional Committees, Commissions and Boards.

7. PUBLIC COMMENT ON NON - AGENDA ITEMS

Members of the public may address the City Council on items within the Council's jurisdiction, (which are not on the agenda) at this time. To assure an orderly meeting and an equal opportunity for everyone, each speaker is limited to 3 minutes, enforced at the Mayor's discretion. In accordance with State Law, no action may take place on any item not appearing on the posted agenda. The Council may respond to statements made or questions asked, or may at its discretion request Staff to report back at a future meeting concerning the matter.

Public comment and input on Public Hearing, Action Items and other Agenda Items will be allowed when each item is considered by the City Council.

8. PUBLIC HEARINGS -None.

9. ACTION ITEMS

- (a) Designation of Voting Delegate and Alternate Delegate for League of California Cities 2022 Annual Conference being held September 7 through 9, in Long Beach and the City's position on League Conference General Resolutions *(documents were not available at the time of publishing, and will be provided as a supplemental document)*. (City Clerk) ([View Here](#))
- (b) Approve the Resolution of Intention to Establish a Community Facilities District related to the Diablo Meadows Project. (City Engineer) ([View Here](#))
- (c) Review and Provide Direction to Staff Regarding City Council Request Items – Open and Completed. (City Manager) ([View Here](#))

10. CLOSED SESSION – None.

11. COUNCIL ITEMS – limited to Council requests and directives for future meetings.

12. ADJOURNMENT - the next scheduled City Council meeting will be September 20, 2022.

#

**MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL**

TUESDAY, August 2, 2022

1. **CALL TO ORDER THE CITY COUNCIL** – The meeting was called to order at 7:00 p.m. by Mayor Cloven via a hybrid meeting format live in-person and Zoom videoconference and broadcast from Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, California. Councilmembers present: Mayor Cloven, Vice Mayor Tillman, and Councilmembers Diaz, and Wolfe. Councilmembers absent: Councilmember Wan. Staff present: City Manager Reina Schwartz, City Attorney Anne Branham, and City Clerk/HR Manager Janet Calderon.

2. **MEETING PROTOCOL VIDEO** – City Clerk.

3. **PLEDGE OF ALLEGIANCE** – led by Mayor Cloven.

4. **CONSENT CALENDAR**

Councilmember Wolfe indicated a correction to be made on item 4(a) – Minutes of the City Council Meeting of July 19, 2022, regarding the motion and second relative to item 6(e) at that meeting.

It was moved by Vice Mayor Tillman, seconded by Councilmember Wolfe, to approve the Consent Calendar items 4(a), as amended, 4(b) – 4(f) as submitted. (Passed 4-0).

- (a) Approve the minutes of the City Council's regular meeting of July 19, 2022. (City Clerk)
- (b) Approve the Financial Demands and Obligations of the City. (Finance)
- (c) Adopted Resolution No. 60-2022 of the City Council of the City of Clayton Allowing for Video and Teleconference Meetings as Needed during the COVID-19 State of Emergency Under AB 361. (City Manager)
- (d) Adopted Resolution No. 61-2022 Awarding a Contract to Specified Play Equipment Company in the Amount of \$326,785 for Replacement of Play Structures at the Clayton Community Park (Capital Improvement Plan Project No. 10454). (Community Development Director)

- (e) Contract with Sher Edling LLP for specialized legal services related to the City's claims for relief from damages from PCBs and/or other contaminants.
(City Attorney)
- (f) Ratify Letter Opposing Unless Amended Senate Bill 932, As Amended June 20, 2022 (Portantino) Relating to General Plan Circulation Elements. (City Manager)

5. RECOGNITIONS AND PRESENTATIONS - None.

6. REPORTS

- (a) City Manager Reina Schwartz advised there are technical difficulties in the Zoom feed this evening. City Manager Schwartz advised staff is still finalizing the paving project; specifically on Chardonnay Circle; the Police Chief recruitment has closed with six applicants with interviews scheduled later this month; announced that the deadline to pull papers for Clayton City Council election are due no later than August 17th, and the City has received the final payment of American Rescue Plan Act funding.
- (b) City Council - Reports from Council liaisons to Regional Committees, Commissions and Boards.

Councilmember Wolfe called and emailed constituents, attended the Clayton Business and Community Association General Membership meeting, met with the Pride Committee, attended the Clayton Business and Community Association subcommittee meeting, and reported an item dropped off in his neighborhood to the Clayton Police Department.

Councilmember Diaz attended the Clayton City Council Closed Session and Regular meeting, attended the Classic Car Show and DJ event, attended the Contra Costa Fire Protection District Fallen Firefighter Ceremony, attended the Clayton Business and Community Association General Membership meeting, attended the Concerts in The Grove, met with the Police Chief, and met with the City Manager, and announced the final Classic Car Show and DJ event taking place on Wednesday, August 3, 2022.

Vice Mayor Tillman met with the City Manager, attended the Clayton Business and Community Association General Membership meeting, met with the Community Development Director and the Accounting Technician, met with the Pride Committee, and spoke to constituents about the tree trimming.

Mayor Cloven attended the Clayton Business and Community Association General Membership meeting, attended Concerts in The Grove, and spoke with constituents regarding tree trimming, and announced the Clayton Cleans Up Event will be resuming in the Spring of 2023, but that there may be an earlier cleanup event in September 2022.

7. **PUBLIC COMMENT ON NON - AGENDA ITEMS** – None.

8. **PUBLIC HEARINGS** – None.

9. **ACTION ITEMS**

- (a) Adopt a Resolution Updating the Clayton Fountain Operational Policy to Add Additional Dates of Fountain Operation. (City Manager)

City Manager Reina Schwartz presented the report.

Following questions by the City Council, Mayor Cloven opened public comment; no comments were offered.

It was moved by Councilmember Wolfe, seconded by Vice Mayor Tillman, to Adopt Resolution No. 62-2022 Amending the Clayton Fountain Operational Policy as amended. (Passed 4-0).

- (b) Adopt a Resolution Approving a Library Lease and Service Agreement Between the County of Contra Costa and the City of Clayton for FY 2022/23 and Future Years. (City Manager)

City Manager Reina Schwartz presented the report.

Following questions by the City Council, Mayor Cloven opened public comment; no comments were offered.

Alison McKee, Contra Costa County Librarian answered specific questions of the City Council pertaining to Library equipment.

It was moved by Vice Mayor Tillman, seconded by Councilmember Wolfe, to Adopt Resolution No. 63-2022 Approving a Library Lease and Service Agreement Between the County of Contra Costa and the City of Clayton for FY2022/23 and Future Years. (Passed 4-0).

- (c) Approve by Minute Order a Memorandum of Agreement with Clayton Theatre Company Reflecting Endeavor Hall Rental Rate Discount. (Finance Director)

City Manager Reina Schwartz presented the report.

Following questions by the City Council, Mayor Cloven opened public comment.

Tamara Steiner provided a brief history of the Clayton Theatre Company and its agreement of reduced costs provided for the Endeavor Hall Rental Discount, she also suggested Endeavor Hall establish reasonable rates for community groups.

Mayor Cloven closed the public hearing.

It was moved by Vice Mayor Tillman, seconded by Councilmember Wolfe, to Approve a Memorandum of Agreement with Clayton Theatre Company Reflecting Endeavor Hall Rental Rate Discount. (Passed 4-0).

10. COUNCIL ITEMS

Councilmember Diaz requested a future item to include establishment of a formal process, including endorsement of City resources used in Downtown event closures.

Councilmember Wolfe requested addition to his earlier report to include meeting with the City Manager and meeting with the Mayor.

11. ADJOURNMENT– on call by Mayor Cloven, the City Council adjourned its meeting at 8:04 p.m.

The next regularly scheduled meeting of the City Council will be August 16, 2022.

#

Respectfully submitted,

Janet Calderon, City Clerk

APPROVED BY THE CLAYTON CITY COUNCIL

Peter Cloven, Mayor

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STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: KATHERINE KORSAK, FINANCE DIRECTOR
JENNIFER GIANTVALLEY, ACCOUNTING TECHNICIAN

DATE: 8/16/22

SUBJECT: FINANCIAL DEMANDS AND OBLIGATIONS OF THE CITY

RECOMMENDATION:

It is recommended the City Council, by minute action, approve the financial demands and obligations of the City for the purchase of services and goods in the ordinary course of operations.

Attached Report	Purpose	Amount
Obligations dated 8/10/22	Accounts Payable	\$ 219,079.43
Payroll Reconciliation Summary	Payroll, Taxes	\$ 97,019.27
	Total Required	\$ 316,098.70

Attachments:

1. Obligation report dated 8/10/2022 (4 pages)
2. Payroll Reconciliation Summary report PPE 8/7/22 (2 pages)

City of Clayton Obligations for 8/16/22, prepared 8/10/22

Vendor name	Invoice date	Invoice number	Invoice description	Amount
Advanced Elevator Solutions, Inc	08/15/2022	49017	Elevator Service July 2022	\$128.00
Advantage Laser Products, Inc	08/15/2022	121240	AP checks (1,000)	\$111.12
American Fidelity Assurance Company	08/15/2022	6058916	FSA PPE 8/7/22	\$115.00
Apex Technology Management	08/15/2022	1353527	IT Security TAP	\$7,390.00
Bank of America	08/15/2022	July2022	Bank fees July 2022	\$533.09
Best Best & Kreiger LLP	08/15/2022	942031	Legal svcs July 2022	\$10,435.00
Best Best & Kreiger LLP	08/15/2022	942032	Housing Element Legal svcs July 2022	\$5,481.30
Best Best & Kreiger LLP	08/15/2022	942033	CFD Legal svcs July 2022	\$2,250.00
Best Best & Kreiger LLP	08/15/2022	942034	Project legal svcs July 2022	\$2,730.31
Best Best & Kreiger LLP	08/15/2022	942035	Labor/Empl Legal svcs July 2022	\$471.90
Best Best & Kreiger LLP	08/15/2022	942036	PD legal svcs July 2022	\$58.80
CalPERS Retirement	08/15/2022	080722	Retirement PPE 8/7/22	\$18,611.56
CalPERS Retirement	08/15/2022	16886806	GASB-68 reporting 6/30/22	\$2,100.00
CCC Sheriff - LETC	08/15/2022	26210	Jarvis Sexual Assault Training	\$231.00
CCC Sheriff - LETC	08/15/2022	26199, 26200	Palos-Lopez RADAR & LIDAR Training	\$638.00
CCC Sheriff - LETC	08/15/2022	26220, 26221	Polewaczyk RADAR & LIDAR Training	\$319.00
Cintas Corporation	08/15/2022	4122014215	PW uniforms through 6/9/22	\$51.50
Cintas Corporation	08/15/2022	4126062092	PW uniforms through 7/21/22	\$62.93
Cintas Corporation	08/15/2022	4126742578	PW uniforms through 7/28/22	\$62.93
Cintas Corporation	08/15/2022	4127421900	PW uniforms through 8/4/22	\$64.19
Cintas Corporation	08/15/2022	5117096643	Restock First Aid cabinet PW	\$57.60
Cintas Corporation	08/15/2022	41214738333	PW uniforms through 6/3/22	\$51.50
City of Antioch	08/15/2022	AR166949-166960	PD vehicle repairs #1728-1745	\$8,592.37
City of Concord	08/15/2022	94096	Dispatch Svcs September 2022	\$26,921.86
City of Concord	08/15/2022	94430	Livescan Finance	\$48.00
Comcast Business (PD)	08/15/2022	151143225	PD Internet July 2022	\$991.94
Computershare	08/15/2022	CLAY 02092022	Lydia Ln Sewer Principal/Interest payment	\$13,999.00
Computershare (Trustee fees)	08/15/2022	2121294	Admin fee 8/7/22-8/6/23	\$500.00
Contra Costa County - Office of the Sheriff	08/15/2022	CLPD-2206	Toxicology June 2022	\$400.00
Contra Costa County - Office of the Sheriff	08/15/2022	CLPD-222	Toxicology Q4 FY 22	\$89.88
Contra Costa County Public Works Dept	08/15/2022	705182	Traffic signal maintenance June 2022	\$8,550.57
De Lage Landen Financial Services, Inc.	08/15/2022	77209151	PD copier lease July 2022	\$129.70
Diablo View Cleaning	08/15/2022	26417	Carpet cleaning, CH, HH, Library	\$2,595.00
Dillon Electric Inc	08/15/2022	4707	Streetlight repairs 7/19/22	\$543.20
Dillon Electric Inc	08/15/2022	4708	Streetlight repairs 7/19/22	\$224.60
Dillon Electric Inc	08/15/2022	4711	Streetlight repairs 7/29/22	\$320.00
Geoconsultants, Inc.	08/15/2022	19341	Well monitoring July 2022	\$1,546.50
Hammons Supply Company	08/15/2022	120428	EH janitorial supplies	\$357.55
Health Care Dental Trust	08/15/2022	318431	Dental September 2022	\$1,757.03
Kathy Derickson	08/15/2022	073122	EH deposit refund	\$500.00
Kennedy & Associates	08/15/2022	22-126	Consultant svcs The Olivia July 2022	\$116.50

City of Clayton Obligations for 8/16/22, prepared 8/10/22

Vendor name	Invoice date	Invoice number	Invoice description	Amount
LarryLogic Productions	08/15/2022	2032	CC meeting production August 2022	\$480.00
Lexipol LLC	08/15/2022	INVLEX11728	Annual Local Govt Manuals/Bulletins	\$3,161.70
Liza McHugh	08/15/2022	080622	EH deposit refund	\$500.00
LSA Associates Inc	08/15/2022	183930	Consultant svcs July 2022	\$3,626.25
Mission Square Retirement	08/15/2022	080722	457 Plan contributions PPE 8/7/22	\$2,154.76
Misty Leone	08/15/2022	080722	EH deposit refund	\$500.00
MPA	08/15/2022	918-28997	Life/LTD August 2022	\$1,719.44
MSR Mechanical, LLC	08/15/2022	SVC005389	CH HVAC repair 7/6/22	\$867.00
MSR Mechanical, LLC	08/15/2022	SVC005413	Library HVAC maint July 2022	\$527.17
MSR Mechanical, LLC	08/15/2022	SVC005414	Library HVAC repair 7/12/22	\$4,149.76
MSR Mechanical, LLC	08/15/2022	SVC005417	Library HVAC repair 7/18/22	\$679.00
Nationwide	08/15/2022	080722	457 Plan contribution PPE 8/7/22	\$500.00
Neopost (add postage)	08/15/2022	080122	Postage added	\$300.00
Paysafe Payment Processing	08/15/2022	July2022	Online bankcard fees July 2022	\$1,150.16
Paysafe Payment Processing	08/15/2022	July2022	OTC Bankcard fees July 2022	\$295.93
PG&E	08/15/2022	11996637689	Energy 6/16/22-7/18/22	\$813.41
PG&E	08/15/2022	20095699664	Energy 6/21/22-7/18/22	\$410.41
PG&E	08/15/2022	72934477976	Energy 6/14/22-7/14/22	\$25,188.81
Precision Civil Engineering (PCE)	08/15/2022	26910	21-359 Pre-approved ADU Plans	\$510.00
Prestige Printing & Graphics	08/15/2022	78906	PD Business cards	\$208.36
SCA of CA, LLC	08/15/2022	103560CS	Street sweeping July 2022	\$4,500.00
Sprint Comm (PD)	08/15/2022	703335311-248	PD cell phones 6/26/22-7/25/22	\$225.68
Staples Business Credit	08/15/2022	1643355036	Office supplies	\$198.60
Swenson's Mobile Fleet Repair	08/15/2022	I005147	Wheel repaired due to accident 8/2/22	\$1,244.10
Turf Star, Inc.	08/15/2022	7239549-00	Landscape tool parts	\$282.34
US Bank CalCard	08/15/2022	Stmt end 7/22/22	HP 508X HY LASERJET TONR B QUILL CORPORATION	\$798.20
US Bank CalCard	08/15/2022	Stmt end 7/22/22	QB 8.5X11 RCOPY 20 92 1RM QUILL CORPORATION	\$220.98
US Bank CalCard	08/15/2022	Stmt end 7/22/22	4th of July Banners VISTAPRINT	\$47.48
US Bank CalCard	08/15/2022	Stmt end 7/22/22	IT Services MSFT * E0200J2XXS	\$15.00
US Bank CalCard	08/15/2022	Stmt end 7/22/22	Storage unit rent CENTRAL SELF STORAG	\$208.00
US Bank CalCard	08/15/2022	Stmt end 7/22/22	IT Services AMAZON WEB SERVICES	\$501.95
US Bank CalCard	08/15/2022	Stmt end 7/22/22	IT Services ZOOM.US 888-799-9666	\$180.00
US Bank CalCard	08/15/2022	Stmt end 7/22/22	IT Services NAMESILO	\$10.79
US Bank CalCard	08/15/2022	Stmt end 7/22/22	9255229137,PAUL JACOBSON VZWRLSS*APOCC VISW	\$120.24
US Bank CalCard	08/15/2022	Stmt end 7/22/22	Name plates ALPINE AWARDS	\$48.02
US Bank CalCard	08/15/2022	Stmt end 7/22/22	Standard Pro Monthly ZOOM.US 888-799-9666	\$14.99
US Bank CalCard	08/15/2022	Stmt end 7/22/22	Car Wash 76 - PINE HOLLOW ENTERPRI	\$15.99
US Bank CalCard	08/15/2022	Stmt end 7/22/22	FEE HI SOFT DRINKS 12 PACK SAFEWAY #1195	\$28.58
US Bank CalCard	08/15/2022	Stmt end 7/22/22	Car Wash 76 - PINE HOLLOW ENTERPRI	\$15.99
US Bank CalCard	08/15/2022	Stmt end 7/22/22	Car Wash 76 - PINE HOLLOW ENTERPRI	\$15.99
US Bank CalCard	08/15/2022	Stmt end 7/22/22	LONG LIFE MINI BULB AUTOZONE #3334	\$34.96

City of Clayton Obligations for 8/16/22, prepared 8/10/22

Vendor name	Invoice date	Invoice number	Invoice description	Amount
US Bank CalCard	08/15/2022	Stmt end 7/22/22	Bug spray CVS/PHARMACY #06526	\$7.17
US Bank CalCard	08/15/2022	Stmt end 7/22/22	Ant control dust - Corp yard OUTDOOR SUPPLY CLAYTON	\$30.69
US Bank CalCard	08/15/2022	Stmt end 7/22/22	PEAK OET ORANGE AF 50/50 AUTOZONE #3334	\$23.04
US Bank CalCard	08/15/2022	Stmt end 7/22/22	RX BUG RMVR WASHER FLUID AUTOZONE #3334	\$17.42
US Bank CalCard	08/15/2022	Stmt end 7/22/22	Zep Surface Disinfectant S AMZN MKTP US*6V2IR4F73	\$81.55
US Bank CalCard	08/15/2022	Stmt end 7/22/22	Car Wash 76 - PINE HOLLOW ENTERPRI	\$15.99
US Bank CalCard	08/15/2022	Stmt end 7/22/22	TAPE,LABEL,18MM,BLK/WHT OFFICE DEPOT 1135	\$48.18
US Bank CalCard	08/15/2022	Stmt end 7/22/22	PEN,ZEBRA,Z-GRIP,RT,24PK OFFICE DEPOT 1135	\$30.75
US Bank CalCard	08/15/2022	Stmt end 7/22/22	Boots RED WING SHOE STORE 1	\$290.81
US Bank CalCard	08/15/2022	Stmt end 7/22/22	Posting for Sr Accountant NEOGOV	\$199.00
US Bank CalCard	08/15/2022	Stmt end 7/22/22	HP 48A BLACK STANDARD YIEL STAPLES DIRECT	\$112.86
US Bank CalCard	08/15/2022	Stmt end 7/22/22	Stakes for Concerts MOOSE METAL	\$395.10
US Bank CalCard	08/15/2022	Stmt end 7/22/22	Power adapters DKC*DIGI KEY CORP	\$99.12
US Bank CalCard	08/15/2022	Stmt end 7/22/22	Car Wash 76 - PINE HOLLOW ENTERPRI	\$15.99
US Bank CalCard	08/15/2022	Stmt end 7/22/22	Lunch @ training CKE*IKES LOVE AND SANDWIC	\$17.50
US Bank CalCard	08/15/2022	Stmt end 7/22/22	Car Wash 76 - PINE HOLLOW ENTERPRI	\$15.99
US Bank CalCard	08/15/2022	Stmt end 7/22/22	Pine Sol cleaner CVS/PHARMACY #06526	\$5.10
US Bank CalCard	08/15/2022	Stmt end 7/22/22	Training class POLICE RECORDS MGMT	\$159.00
US Bank CalCard	08/15/2022	Stmt end 7/22/22	Car Wash 76 - PINE HOLLOW ENTERPRI	\$49.99
US Bank CalCard	08/15/2022	Stmt end 7/22/22	SMD10279 - Smead 10279 Nav AMZN MKTP US*GM62Z0CQ3	\$34.93
US Bank CalCard	08/15/2022	Stmt end 7/22/22	Car Wash 76 - PINE HOLLOW ENTERPRI	\$15.99
US Bank CalCard	08/15/2022	Stmt end 7/22/22	Membership-CA City Mgmt Found. PAYPAL *CCMF	\$400.00
US Bank CalCard	08/15/2022	Stmt end 7/22/22	Monthly dues TLO TRANSUNION	\$75.00
US Bank CalCard	08/15/2022	Stmt end 7/22/22	Internet @ the Grove Park COMCAST CALIFORNIA	\$93.24
US Bank CalCard	08/15/2022	Stmt end 7/22/22	Drinks for BBQ cook off LUCKY #737 OAKLEY C	\$38.04
US Bank CalCard	08/15/2022	Stmt end 7/22/22	Snake tongs PAYPAL *MIDWESTTONG	\$151.81
US Bank CalCard	08/15/2022	Stmt end 7/22/22	WORK GLOVES - 12 PAIR (Lar AMZN MKTP US*ZN3BA22J3	\$48.38
US Bank CalCard	08/15/2022	Stmt end 7/22/22	Repair swings @ The Grove Park OUTDOOR SUPPLY CLAYTON	\$57.04
US Bank CalCard	08/15/2022	Stmt end 7/22/22	Repair restroom @ The Grove Park AMERICAN ACE SUPPLY CO	\$47.81
US Bank CalCard	08/15/2022	Stmt end 7/22/22	12 Pair X Large Leather Wo AMZN MKTP US*1H4VY7F93	\$48.38
US Bank CalCard	08/15/2022	Stmt end 7/22/22	Bug bomb for Keller House OUTDOOR SUPPLY CLAYTON	\$32.90
US Bank CalCard	08/15/2022	Stmt end 7/22/22	Fix clogged drain @ The Grove Park OUTDOOR SUPPLY CLAYTON	\$16.78
US Bank CalCard	08/15/2022	Stmt end 7/22/22	Toilet parts for CCP AMERICAN ACE SUPPLY CONC	\$720.32
US Bank CalCard	08/15/2022	Stmt end 7/22/22	Drinking fountain parts BILLS ACE HDWE	\$17.54
US Bank CalCard	08/15/2022	Stmt end 7/22/22	Spray gloves AMZN MKTP US*HA2GW7JL3 AM	\$44.32
US Bank CalCard	08/15/2022	Stmt end 7/22/22	Latex gloves AMAZON.COM*P21GO5S23	\$48.82
US Bank CalCard	08/15/2022	Stmt end 7/22/22	Sharpen chain saw OUTDOOR SUPPLY CLAYTON	\$15.89
US Bank CalCard	08/15/2022	Stmt end 7/22/22	BISupply AC Thermostat Cov AMZN MKTP US*SJ43W05B3	\$25.00
US Bank CalCard	08/15/2022	Stmt end 7/22/22	IT Svcs Microsoft	\$160.00
US Bank CalCard	08/15/2022	Stmt end 7/22/22	Credit Memo	(\$85.64)
Waraner Brothers Tree Service	08/15/2022	16113	Tree work Oakhurst Dr outbound Eagle Peak & Yolanda Circle	\$25,200.00

City of Clayton Obligations for 8/16/22, prepared 8/10/22

Vendor name	Invoice date	Invoice number	Invoice description	Amount
Waraner Brothers Tree Service	08/15/2022	16132	Tree work Oakhurst Dr outbound @ Yolanda Circles	\$9,000.00
Western Exterminator	08/15/2022	119088C	Pest control August 2022	\$482.05
Workers.com	08/15/2022	133408	Seasonal workers week end 7/24/22	\$4,167.11
				<u>\$219,079.43</u>

Payroll Summary

City of Clayton

Check Date: 08/12/2022

Process: 2022081201

Pay Period: 07/25/2022 to 08/07/2022

Page 1 of 2

Payroll Totals

Payroll Checks	Check Type	Count	Net Check	Dir Dep Amount	Net Amount	
	Regular	34	0.00	73,422.82	73,422.82	
	Totals	34	0.00	73,422.82	73,422.82	→ 73,422.82

Payroll Checks	Check Type	Agency Type	Count	Net Check	Dir Dep Amount	Net Amount	
	Agency	EFSDU	1	0.00	358.15	358.15	
	Agency	Regular	1	0.00	663.50	663.50	
	Totals		2	0.00	1,021.65	1,021.65	→ 1,021.65

	Total Net Payroll Liability			0.00	74,444.47	74,444.47	→ 74,444.47
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Tax Liability

CA and Related Taxes	Tax Id	Rate	Frequency	Wage	Cap Wages	EE Amount	ER Amount	
CA SDI - Employee	EXEMPT		Semi-Weekly	105,719.11	105,719.11			
California SITW			Semi-Weekly	103,314.35	103,314.35	5,041.84		
Totals						5,041.84	0.00	→ 5,041.84

CASUI and Related Taxes	Tax Id	Rate	Frequency	Wage	Cap Wages	EE Amount	ER Amount	
CA Edu & Training		0.001000	Quarterly	105,719.11	3,447.76		3.45	
California SUI		0.020000	Quarterly	105,719.11	3,447.76		68.96	
Totals						0.00	72.41	→ 72.41

FITW and Related Taxes	Tax Id	Rate	Frequency	Wage	Cap Wages	EE Amount	ER Amount	
Federal Income Tax			Semi-Weekly	103,314.35	103,314.35	13,862.54		
Medicare			Semi-Weekly	105,719.11	105,719.11	1,532.92		
Medicare - Employer			Semi-Weekly	105,719.11	105,719.11		1,532.93	
OASDI			Semi-Weekly	4,291.60	4,291.60	266.08		
OASDI - Employer			Semi-Weekly	4,291.60	4,291.60		266.08	
Totals						15,661.54	1,799.01	→ 17,460.55

Total Tax Liability	20,703.38	1,871.42	→ 22,574.80
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Total Payroll Liability	97,019.27	→ 97,019.27
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Billing

Invoice	Date	Gross	Discount	Tax	Adjustment	Amount	
Totals							→



Paylocity Corporation
(888) 873-8205

User: JGiantvalley

Run on 8/10/2022 at 12:37 PM

Payroll Summary

City of Clayton

Check Date: 08/12/2022

Process: 2022081201

Pay Period: 07/25/2022 to 08/07/2022

Page 2 of 2

Transfers

Type	Date	Source Account	Amount
Dir Dep	8/11/2022		73,422.82
Tax	8/11/2022		22,574.80
Trust Agency	8/11/2022		1,021.65
Totals Transfers			97,019.27

97,019.27 → **97,019.27**

Tax Deposits

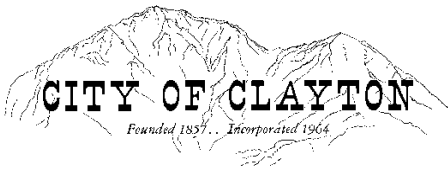
Required Tax Deposits	Tax	Due On	Amount
(Deposit made by Service Bureau)	California SITW	8/17/2022	5,041.84
(Deposit made by Service Bureau)	Federal Income Tax	8/17/2022	17,460.55
(Deposit made by Service Bureau)	California SUI	10/31/2022	72.41
	Total Tax Deposits		22,574.80



Paylocity Corporation
(888) 873-8205

User: JGiantvalley

Run on 8/10/2022 at 12:37 PM



AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: CITY MANAGER

DATE: August 16, 2022

SUBJECT: Adopt a Resolution of the City Council of the City of Clayton Allowing for Video and Teleconference Meetings as Needed during the COVID-19 State of Emergency Under AB 361

RECOMMENDATION

Adopt a Resolution of the City Council allowing for video and teleconference meetings as needed during the COVID-19 state of emergency under AB 361.

BACKGROUND

Last year, the State Legislature passed and Governor Newsom signed AB 361 which continues many of the provisions related to the Brown Act that were in place under Executive Orders, which expired September 30, 2021 that allowed for video and teleconferencing during the state of emergency. Since AB 361 has been signed into law, the City can continue to meet virtually until such time as the Governor declares the State of Emergency due to COVID-19 over and measures to promote social distancing are no longer recommended by the County Health Officer.

On September 20, 2021, February 2, 2022, March 1, 2022, April 15, 2022, June 14, 2022, July 5, 2022 and August 9, 2022 (see attachment), the Contra Costa County Health Officer issued recommendations for safely holding public meetings and continues to encourage on-line meetings over in-person public meetings if feasible. If in-person meetings occur, the County Health Officer recommends physical distancing of six feet of separation between all attendees to the extent possible. The proposed resolution provides that the City Council and all subsidiary City boards and commissions may choose to hold fully virtual video and teleconference meetings while the state of emergency is still in effect and physical distancing is recommended.

In order to continue to be able to hold video and teleconference meetings as needed for COVID/public-health related reasons, the City Council will need to review and make

findings every thirty days that the state of emergency continues to directly impact the ability of the members to meet safely in person and that state or local officials continue to impose or recommend measures to promote physical distancing.

FISCAL IMPACT

None.

Attachments

Resolution of the City Council Allowing for Video and Teleconference Meetings during the COVID-19 State of Emergency Under AB 361

Contra Costa County Public Health Officer - Recommendations for Safely Holding Public Meetings (August 9, 2022)

RESOLUTION NO. ##-2022

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLAYTON
ALLOWING FOR VIDEO AND TELECONFERENCE MEETINGS DURING THE
COVID-19 STATE OF EMERGENCY UNDER AB 361**

WHEREAS, on March 4, 2020, the Governor of the State of California proclaimed a State of Emergency for COVID-19;

WHEREAS, AB 361 was passed by the State Legislature and signed by Governor Newsom and went into effect immediately and allows the City to continue to meet virtually until such time as the Governor declares the State of Emergency due to COVID-19 over and measures to promote physical distancing are no longer recommended;

WHEREAS, on September 20, 2021, February 2, 2022, March 1, 2022, April 15, 2022, June 14, 2022, July 5, 2022 and August 9, 2022, the Contra Costa County Health Officer issued recommendations for safely holding public meetings and encourages on-line meetings if feasible and if in person meetings occur then recommends physical distancing of six feet of separation to the extent possible and masking for all attendees;

WHEREAS, in light of this recommendation, the City Council desires for itself and for all other City legislative bodies that are subject to the Brown Act to be able to choose to meet via video and/or teleconference as necessary; and

WHEREAS, pursuant to AB 361 the City Council will review the findings required to be made at least every 30 days.

NOW THEREFORE BE IT RESOLVED the City Council hereby finds on behalf of itself and all other City legislative bodies: (1) a state of emergency has been proclaimed by the Governor; (2) the state of emergency continues to directly impact the ability of the City's legislative bodies to meet safely in person; and (3) local health officials continue to recommend measures to promote physical distancing.

BE IT FURTHER RESOLVED that the City Council and all other City legislative bodies may continue to meet via video and/or teleconference as needed during the COVID-19 emergency.

PASSED AND ADOPTED by the Clayton City Council, State of California, on this 16th day of August 2022, by the following vote.

AYES: .

NOES:

ABSENT:

ABSTAIN:

**THE CITY COUNCIL OF CLAYTON,
CA**

Peter Cloven, Mayor

ATTEST:

Janet Calderon, City Clerk



Recommendations for safely holding public meetings

Each local government agency is authorized to determine whether to hold public meetings in person, on-line (teleconferencing only), or via a combination of methods. The following are recommendations from the Contra Costa County Health Officer to minimize the risk of COVID 19 transmission during a public meeting.

1. Online meetings (i.e. teleconferencing meetings) are encouraged, where practical, as these meetings present the lowest risk of transmission of SARS CoV-2, the virus that causes COVID 19. This is particularly important when community prevalence rates are high. Our current trends as of August 9, 2022 in Covid-19 case rate, test positivity, Covid-19 hospitalizations, and Covid-19 wastewater surveillance are stable, but still remain high at this time. In addition to this, the predominant variant of Covid-19 being identified continues to be the Omicron variant and it's subvariants the impact of which on the spread of Covid-19 has shown to dramatically increase COVID-19 transmission.
2. If a local agency determines to hold in-person meetings, offering the public the opportunity to attend via a call-in option or an internet-based service option is recommended, when possible, to give those at higher risk of and/or higher concern about COVID-19 an alternative to participating in person.
3. A written safety protocol should be developed and followed. It is recommended that the protocol require social distancing, where feasible – i.e. six feet of separation between attendees; and consider requiring or strongly encouraging face masking of all attendees and encouraging attendees to be up-to-date on their COVID-19 vaccine.
4. Seating arrangements should allow for staff and members of the public to easily maintain at least six-foot distance from one another at all practicable times.
5. Consider holding public meetings outdoors. Increasing scientific consensus is that outdoor airflow reduces the risk of COVID-19 transmission compared to indoor spaces. Hosting events outdoors also may make it easier to space staff and members of the public at least 6 feet apart. If unable to host outdoors, consider ways to [increase ventilation and flow](#) of the indoor space to reduce the risk of COVID-19 while indoors.
6. Current evidence is unclear as to the added benefit of temperature checks in addition to symptom checks. We encourage focus on symptom checks as they may screen out individuals with other Covid-19 symptoms besides fever and help reinforce the message to not go out in public if you are not feeling well.
7. Consider a voluntary attendance sheet with names and contact information to assist in contact tracing of any cases linked to a public meeting.

Revised 8-9-2022

Sefanit Mekuria

Sefanit Mekuria, MD, MPH
Deputy Health Officer, Contra Costa County





AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Larry Theis, City Engineer

DATE: August 16, 2022

SUBJECT: A Resolution Authorizing the City Manager and the City Engineer to Execute Caltrans Right of Way Certifications on Behalf of the City of Clayton

RECOMMENDATIONS

It is recommended the City Council adopt the proposed Resolution authorizing the City Manager and the City Engineer to execute Caltrans Right of Way Certifications on behalf of the City.

BACKGROUND

In order to obtain state and federal aid assistance in connection with state and federally funded road projects, and for the California Department of Transportation (Caltrans) to approve the projects for advertising, it is necessary that the City certify to Caltrans that the right of way necessary for the proper execution of projects will be or has been acquired.

DISCUSSION

Currently, the City Council will be required to approve the right of way certification for each project. Due to the relative infrequency of the City Council meetings, the current setup may potentially cause delays to project schedules. Caltrans will accept right of way certifications signed by the City Manager or by the City Engineer, or their designees, if the City Council adopts a resolution authorizing him or her to sign the certification.

FISCAL IMPACT:

There is no direct cost to designating that the City Engineer or City Manager may sign right of way certifications, although streamlining the approval process may assist the City in ensuring that it can receive applicable state and federal assistance in a timely fashion.

RESOLUTION NO. ##-2022

**A RESOLUTION AUTHORIZING THE CITY MANAGER AND THE CITY ENGINEER
TO EXECUTE CALTRANS RIGHT OF WAY CERTIFICATIONS ON BEHALF OF THE
CITY OF CLAYTON**

**THE CITY COUNCIL
City of Clayton, California**

WHEREAS, in order to obtain state and federal aid assistance in connection with state and federally funded road projects, and for the California Department of Transportation (Caltrans) to approve projects for advertising, it is necessary that the City certify to Caltrans that the right of way necessary for the proper execution of projects will be or has been acquired; and

WHEREAS, Caltrans will accept right of way certifications signed by the City Manager or by the City Engineer, or their designees, if the City Council adopts a resolution authorizing him or her to sign the certification.

NOW THEREFORE, BE IT RESOLVED the City Council of the City of Clayton, California does hereby authorize the City Manager and the City Engineer, or their designees, to execute all right of way certifications required for state and federally funded road projects and direct the City Engineer to forward this resolution to the appropriate office of Caltrans.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California, at a regular public meeting thereof held on the 16th day of August 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Peter Cloven, Mayor

ATTEST:

Janet Calderon, City Clerk



STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Janet Calderon, City Clerk

DATE: August 16, 2022

SUBJECT: Designation of Voting Delegate and Alternate Delegate for League of California Cities 2022 Annual Conference being held September 7 through 9, in Long Beach and the City's position on League Conference General Resolutions (*documents were not available at the time of publishing, and will be provided as a supplemental document*)

RECOMMENDATION

Consider designating a City Council member as the Voting Delegate and one member as the Alternate to represent the City of Clayton during the 2022 League of California Cities Annual Business Meeting.

BACKGROUND

The League of California Cities' Annual Conference is scheduled for Wednesday, September 7 through Friday, September 9, 2022 in Long Beach. A Business Meeting will take place on Friday, September 9, 2022 at 11:30 am.

League Bylaws provide that each City is entitled to one vote in matters affecting municipal or League policy. Per the attached Annual Conference Voting Procedures, a City official must have in possession the City's Voting Card and be registered with the Credentials Committee to cast that City's vote. A voting card will be issued to the City officials designated by the City Council on the attached Voting Delegate Form.

Conference registration is required for voting delegates. The League Conference General Resolutions were not available at the time of publication, and will be provided as a supplemental document when available.

FISCAL IMPACT

During the last 13 fiscal years the vast majority of conference and training budget for all personnel of the City, including the City Council, was eliminated or significantly curtailed, except for League Division and Mayors' Conference attendance. If the Council wishes to send a delegate, there are funds budgeted to cover the cost of Registration, transportation and lodging for the Voting Delegate. For the Alternate Delegate, all other conference expenses would be paid by the individual member.

The cost of conference registration is \$650 per person for the full event plus the cost of transportation and hotel. The one-day registration for Friday's voting session is \$350. The Fiscal Year 2022/23 Budget, adopted on June 21, 2022, included in Legislative Department 01 account number 7372 Conferences/Meetings a budget of \$2,000.

Attachment – A. League of California Cities Annual Conference Voting Procedures (4 pages)

NOTE: The League Conference General Resolutions were not available at the time of publication, and will be provided as a supplemental document when available.



Council Action Advised by August 31, 2022

DATE: June 1, 2022

TO: City Managers and City Clerks

**RE: DESIGNATION OF VOTING DELEGATES AND ALTERNATES
League of California Cities Annual Conference & Expo – September 7-9, 2022**

Cal Cities 2022 Annual Conference & Expo is scheduled for September 7-9, 2022 in Long Beach. An important part of the Annual Conference is the Annual Business Meeting (during General Assembly) on Friday, September 9. At this meeting, Cal Cities membership considers and acts on resolutions that establish Cal Cities policy.

In order to vote at the Annual Business Meeting, your city council must designate a voting delegate. Your city may also appoint up to two alternate voting delegates, one of whom may vote if the designated voting delegate is unable to serve in that capacity.

Please complete the attached Voting Delegate form and return it to Cal Cities office no later than Friday, September 2. This will allow us time to establish voting delegate/alternate records prior to the conference.

Please view Cal Cities' [event and meeting policy](#) in advance of the conference.

- **Action by Council Required.** Consistent with Cal Cities bylaws, a city's voting delegate and up to two alternates must be designated by the city council. When completing the attached Voting Delegate form, please attach either a copy of the council resolution that reflects the council action taken, or have your city clerk or mayor sign the form affirming that the names provided are those selected by the city council. Please note that designating the voting delegate and alternates **must** be done by city council action and cannot be accomplished by individual action of the mayor or city manager alone.
- **Conference Registration Required.** The voting delegate and alternates must be registered to attend the conference. They need not register for the entire conference; they may register for Friday only. Conference registration will open by June 1 on the [Cal Cities](#) website. In order to cast a vote, at least one voter must be present at the Business Meeting and in possession of the voting delegate card. Voting delegates and alternates need to pick up their conference badges before signing in and picking up the voting delegate card at the Voting Delegate Desk. This will enable them to receive the special sticker on their name badges that will admit them into the voting area during the Business Meeting.



- **Transferring Voting Card to Non-Designated Individuals Not Allowed.** The voting delegate card may be transferred freely between the voting delegate and alternates, but *only* between the voting delegate and alternates. If the voting delegate and alternates find themselves unable to attend the Business Meeting, they may *not* transfer the voting card to another city official.
- **Seating Protocol during General Assembly.** At the Business Meeting, individuals with the voting card will sit in a separate area. Admission to this area will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate. If the voting delegate and alternates wish to sit together, they must sign in at the Voting Delegate Desk and obtain the special sticker on their badges.

The Voting Delegate Desk, located in the conference registration area of the Long Beach Convention Center, will be open at the following times: Wednesday, September 7, 8:00 a.m. – 6:00 p.m.; Thursday, September 8, 7:00 a.m. – 4:00 p.m.; and Friday, September 9, 7:30 a.m.–12:30 p.m. The Voting Delegate Desk will also be open at the Business Meeting on Friday, but will be closed during roll calls and voting.

The voting procedures that will be used at the conference are attached to this memo. Please share these procedures and this memo with your council and especially with the individuals that your council designates as your city's voting delegate and alternates.

Once again, thank you for completing the voting delegate and alternate form and returning it to Cal Cities office by Friday, September 2. If you have questions, please call Darla Yacub at (916) 658-8254.

Attachments:

- Annual Conference Voting Procedures
- Voting Delegate/Alternate Form

Annual Conference Voting Procedures

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to Cal Cities policy.
2. **Designating a City Voting Representative.** Prior to the Annual Conference, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the Voting Delegate Form provided to the Cal Cities Credentials Committee.
3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city's voting card at the Voting Delegate Desk in the conference registration area. Voting delegates and alternates must sign in at the Voting Delegate Desk. Here they will receive a special sticker on their name badge and thus be admitted to the voting area at the Business Meeting.
4. **Signing Initiated Resolution Petitions.** Only those individuals who are voting delegates (or alternates), and who have picked up their city's voting card by providing a signature to the Credentials Committee at the Voting Delegate Desk, may sign petitions to initiate a resolution.
5. **Voting.** To cast the city's vote, a city official must have in their possession the city's voting card and be registered with the Credentials Committee. The voting card may be transferred freely between the voting delegate and alternates, but may not be transferred to another city official who is neither a voting delegate or alternate.
6. **Voting Area at Business Meeting.** At the Business Meeting, individuals with a voting card will sit in a designated area. Admission will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate.
7. **Resolving Disputes.** In case of dispute, the Credentials Committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the Business Meeting.



CITY: _____

**2022 ANNUAL CONFERENCE
VOTING DELEGATE/ALTERNATE FORM**

Please complete this form and return it to Cal Cities office by Friday, September 2, 2022. Forms not sent by this deadline may be submitted to the Voting Delegate Desk located in the Annual Conference Registration Area. Your city council may designate one voting delegate and up to two alternates.

To vote at the Annual Business Meeting (General Assembly), voting delegates and alternates must be designated by your city council. Please attach the council resolution as proof of designation. As an alternative, the Mayor or City Clerk may sign this form, affirming that the designation reflects the action taken by the council.

Please note: Voting delegates and alternates will be seated in a separate area at the Annual Business Meeting. Admission to this designated area will be limited to individuals (voting delegates and alternates) who are identified with a special sticker on their conference badge. This sticker can be obtained only at the Voting Delegate Desk.

1. VOTING DELEGATE

Name: _____

Title: _____

2. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

3. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

ATTACH COUNCIL RESOLUTION DESIGNATING VOTING DELEGATE AND ALTERNATES OR

ATTEST: I affirm that the information provided reflects action by the city council to designate the voting delegate and alternate(s).

Name: _____ Email: _____

Mayor or City Clerk _____ Date _____ Phone _____
(circle one) (signature)

Please complete and return by Friday, September 2, 2022 to:

Darla Yacub, Assistant to the Administrative Services Director

E-mail: dyacub@calcities.org; Phone: (916) 658-8254



AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Larry Theis, P.E., City Engineer

DATE: August 16, 2022

SUBJECT: Approve the Resolution of Intention to Establish a Community Facilities District related to the Diablo Meadows Project

RECOMMENDATION

Approve the attached Resolution of Intention to Establish a Community Facilities District related to the Diablo Meadows Project.

BACKGROUND

On February 2, 2021, the City of Clayton (the “City”) City Council (the “Council”) approved Resolution No. 05-2021, *A Resolution Approving the Development Plan (DP-01-20); The Vesting Tentative Parcel Map (Map-01-2020); and the Tree Removal Permit (TRP-09-2020) for the Diablo Meadows Single Family Residential Project* (the “Resolution”). The Resolution also approved the conditions of approval for the Diablo Meadows project (the “Project”), an eighteen (18) single family residential development located west of Mitchell Canyon Road and northwest of Herriman Court.

As a condition of the Project, DeNova Homes (the “Developer”) was conditioned to establish a Homeowner’s Association (“HOA”) for the purpose of funding and maintaining all public and private landscaping and stormwater facilities on or adjacent to the development. In addition, the Developer was conditioned to provide a funding mechanism to offset the Project’s financial impacts on the City’s streetlight system and to fund the stormwater improvements, should the HOA fail to maintain the stormwater improvements at a level that meets City standards.

The Developer has requested the City assist with the formation of Community Facilities District No. 2022-01 (Public Services) (“CFD No. 2022-01”) to satisfy these conditions. CFD No. 2022-01 will fund authorized services as described in the attached Resolution, Exhibit “A” (Authorized Services), which generally includes maintenance of City streetlights, maintenance, inspection, and replacement of stormwater facilities, and any costs associated with administering CFD No. 2022-01.

The boundaries of CFD No. 2022-01 include only the Project area, which encompasses Assessor Parcel Numbers 121-090-023 through 046, as shown on the attached Boundary Map. The Boundary Map also identifies a future annexation area, which is contiguous with City limits. The future annexation area facilitates the annexation of future developments within the City into CFD No. 2022-01, with City Council approval and the unanimous approval of the applicable property owner(s), to offset the financial impact for each respective development.

The formation of CFD No. 2022-01 and approval of the future annexation area does not authorize the CFD to levy a special tax within the future annexation area at this time. The landowners or registered voters within such future annexation area will have the opportunity to review the special taxes applicable to their property, and vote to approve the annexation at some time in the future that the City considers annexing such property into the CFD. Upon completion of such annexation, the special tax will only be authorized to be levied within CFD No. 2022-01, and any portion of the future annexation area that has completed annexation procedures to annex into the CFD.

The City has received a signed petition from the Developer requesting the establishment of CFD No. 2022-01. The City is required to consider the formation of the CFD if a petition is filed with the City Clerk. The petition is attached for Council's reference.

If the Council adopts the Resolution of Intention to Establish CFD No. 2022-01, the remaining process (Council meetings in bold) for the establishment of CFD No. 2022-01 will be as follows:

August 2022	Election materials are sent to the property owner(s) of the Project
August 2022	City Clerk to record Boundary Map (within 15 days of the adoption of the Resolution of Intention)
September 2022	Community Facilities District Report filed with the City Clerk in advance of Public Hearing
September 2022	City Clerk publishes Notice of Public Hearing (at least once a minimum of 7 days prior to the Public Hearing)
September 20, 2022	City Council holds Public Hearing (at least 30, but not more than 60 days after adoption of the Resolution of Intention) and considers the following actions: 1) Adopt Resolution of Formation of CFD; 2) Adopt Resolution Calling Special Landowner Election for CFD; 3) Conduct Election;

4) Adopt Resolution Declaring Results of Special Landowner Election and Directing Recording of Notice of Special Tax Lien within CFD;

5) Take First Reading of Ordinance Levying Special Tax within CFD.

September 2022	City Clerk files the Notice of Special Tax Lien with the County Recorder's Office (must be completed within 15 days of the adoption of the Resolution Confirming Results of Election and directing the recordation of the Notice of Special Tax Lien)
October 4, 2022	Second Reading of Ordinance Levying Special Tax within CFD
October 2022	Publication of Ordinance (within 15 days after its passage)

FISCAL IMPACT

There will be no financial impact on the City's General Fund. The Developer for the Project pays all costs associated with the formation of CFD No. 2022-01. The proposed annual maximum special tax rate for CFD No. 2022-01, in Fiscal Year 2022/23 dollars, is \$951.71 per home. However, \$348.52 of the maximum special tax corresponds to the maintenance of the Project stormwater improvements, and is not anticipated to be levied unless the HOA fails to maintain the improvements to City standards. The eighteen (18) homes within the Project area are the only parcels subject to the special tax upon formation of CFD No. 2022-01. As specified in the Resolution of Intention Exhibit B (Rate and Method of Apportionment), the annual maximum special tax shall be increased annually by applying the greater of the percentage increase, if any, in the Consumer Price Index for the San Francisco-Oakland-Hayward, CA (All Urban Consumers) for the prior year, or 3%, to the maximum special tax in effect for the prior fiscal year. Each annual adjustment of maximum special tax shall become effective on the subsequent July 1.

ATTACHMENTS

1. CFD No. 2022-01 Petition
2. Resolution of Intention
 - a. Exhibit A – Authorized Services
 - b. Exhibit B – Rate and Method of Apportionment
3. Boundary Map

CITY OF CLAYTON
Community Facilities District No. 2022-01
(Public Services)

PETITION
(With Waivers)

To Create a Community Facilities District
and Related Matters

To the Honorable City Council,
City of Clayton
6000 Heritage Trail
Clayton, CA 94517

Members of the City Council:

This is a petition to the City of Clayton (the "City") to create a Community Facilities District and related matters under the Mello-Roos Community Facilities Act of 1982, Sections 53311 and following of the California Government Code (the "Act") and it states as follows:

1. Petitioner. This Petition is submitted by the person (the "Petitioner") (whether one or more) identified below or for the record owner(s) of the parcels of land identified below (the "Property"). The undersigned warrants to the City that the Petitioner is such owner or is legally authorized to execute this Petition for and on behalf of such owner(s). Petitioner shall provide to City a title report prior to August 2, 2022 supporting such ownership.

2. Proceedings Requested. This Petition asks that the City Council undertake proceedings under the Act to create a Community Facilities District to be designated "City of Clayton Community Facilities District No. 2022-01 (Public Services)" (the "Community Facilities District" or the "CFD") to levy special taxes in the Community Facilities District.

3. Boundaries. This Petition asks that the territory to be included in the CFD consist of that shown on the map of the proposed boundaries of the CFD attached hereto as **Exhibit A**, which map is filed with the Clerk of the City Council and which map is hereby made a part hereof and which map includes the Property.

4. Purpose. This Petition asks that the Community Facilities District be created and that the special taxes (the "Special Taxes") be levied on the Property to finance all or a part of the public services (the "Services") described in **Exhibit B** thereto and made a part hereof.

5. Special Taxes. The Petitioner agrees and acknowledges that the City will levy annual Special Taxes in the CFD to pay for the Services, subject to the completion of all proceedings for the Property by the City under the Act.

6. Election. The Petitioner asks that the special election to be held under the Act to create a CFD, authorize the Special Taxes, and to establish any appropriations limits for the CFD be conducted by the City and its officials, using a mailed or hand-delivered ballot and that such ballot be canvassed and the results certified at the same meeting of the City Council as the public hearing on the CFD under the Act or as soon thereafter as possible.

7. Waivers. To expedite the completion of the proceedings to create the CFD, the Petitioner expressly waives all required notices of hearing and all published notices regarding the establishment of the CFD, notices of landowner election, applicable waiting periods under the Act for the holding of any public hearing and election and all ballot arguments and analysis for the election, whether contained in the Government Code, Elections Code, Streets & Highways Code, or elsewhere, it being acknowledged by the Petitioner that all such requirements are for the benefit of the Petitioner and may be waived. Landowner expressly waives the time limits specified by Government Code Section 53326. Landowner expressly waives all claims based on, and hereby consents to, any error, irregularity, or departure from the provisions of the Act, and any and all laws incorporated therein, in the formation process and acknowledges that the formation of the CFD and the Property to the CFD are valid and shall not be affected by any such error, irregularity, or departure.

8. Authority Warranted. The Petitioner warrants to the City that the presentation of this Petition, any waivers contained herein, casting of ballots at the property owner(s) election and other actions mandated by the City for the formation of the CFD shall not constitute or be construed as events of default or delinquencies under any existing or proposed financing documents entered into or to be entered into by the Petitioner for the Property, including any "due-on-encumbrance" clauses under any existing security instruments secured by the Property. If requested by the City, the Petitioner agrees, at its expense, to supply to the City current title evidence so that the City may supply any notice and ballot required under the Act for the establishment of the CFD.

9. Due-Diligence and Disclosures. The Petitioner agrees to cooperate with the City, its attorneys, and consultants and provide all information and disclosures required by the City about the Special Taxes to purchasers of the Property or any part of it.

10. Agreements. The Petitioner further agrees to execute such additional or supplemental agreements as may be required by the City to provide for any of the actions and conditions under this Petition, including any amount of cash deposit required to pay for the City's costs in establishing the CFD. Petitioner agrees that this Petition shall not be considered as filed with the City for purposes of commencing proceedings for the CFD under the Act unless and until deemed filed by the City in its absolute discretion. By executing this Petition, the Petitioner agrees to all the above.

The exact legal name of the Petitioner
(record owner):

CIVIC CLAYTON, LLC

Mailing address for receiving ballots:

1500 Willow Pass Ct.
Concord, CA 94520

Attn: Pete Giles

The Property that is the subject of this
Petition is identified as:

As shown on Exhibit C hereto

The total acreage of the Property
(to 3 decimal places):

8.605 acres

By executing this petition, the Petitioner agrees to all the above.

Dated: August 1, 2022

CIVIC CLAYTON, LLC

By:  _____

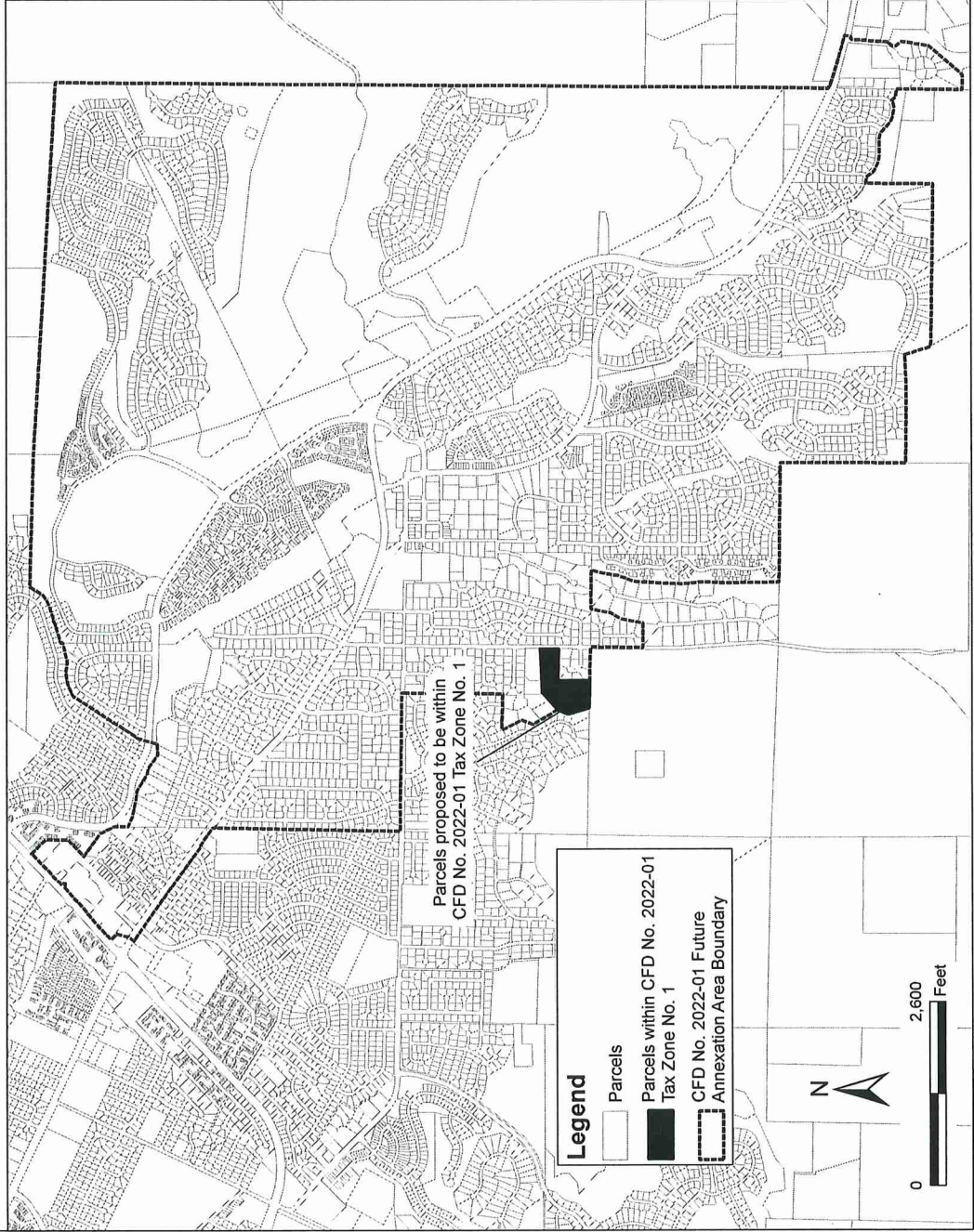
Its: Authorized Signor

EXHIBIT A

**CITY OF CLAYTON
Community Facilities District No. 2022-01
(Public Services)**

BOUNDARY MAP

PROPOSED BOUNDARY MAP
CITY OF CLAYTON
COMMUNITY FACILITIES DISTRICT No. 2022-01
(PUBLIC SERVICES)
CITY OF CLAYTON
COUNTY OF CONTRA COSTA
STATE OF CALIFORNIA



FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF CLAYTON THIS
____ DAY OF _____, 2022.

JANET CALDERON, CITY CLERK
CITY OF CLAYTON
CONTRA COSTA COUNTY
STATE OF CALIFORNIA

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED
BOUNDARIES OF CITY OF CLAYTON COMMUNITY FACILITIES DISTRICT
NO. 2022-01, CITY OF CLAYTON, COUNTY OF CONTRA COSTA, STATE
OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE
CITY OF CLAYTON, AT A REGULAR MEETING THEREOF, HELD ON
THE ____ DAY OF _____, 2022, BY ITS RESOLUTION
NO. _____

JANET CALDERON, CITY CLERK
CITY OF CLAYTON
CONTRA COSTA COUNTY
STATE OF CALIFORNIA

FILED THIS ____ DAY OF _____, 2022, AT THE HOUR
OF ____ M. IN BOOK ____ OF MAPS OF ASSESSMENT
AND COMMUNITY FACILITIES DISTRICTS AT PAGE ____ DOCUMENT
NO. ____ IN THE OFFICE OF THE COUNTY RECORDER
IN CONTRA COSTA COUNTY, STATE OF CALIFORNIA.

COUNTY RECORDER
COUNTY OF CONTRA COSTA
STATE OF CALIFORNIA

ASSESSOR PARCELS WITHIN BOUNDARY. FOR PARTICULARS OF
LINES AND DIMENSIONS OF PARCELS, REFERENCE IS MADE
TO THE ASSESSOR PARCEL MAPS OF CONTRA COSTA COUNTY.

PROPOSED BOUNDARY MAP

CITY OF CLAYTON
COMMUNITY FACILITIES DISTRICT No. 2022-01
(PUBLIC SERVICES)
CITY OF CLAYTON
COUNTY OF CONTRA COSTA
STATE OF CALIFORNIA

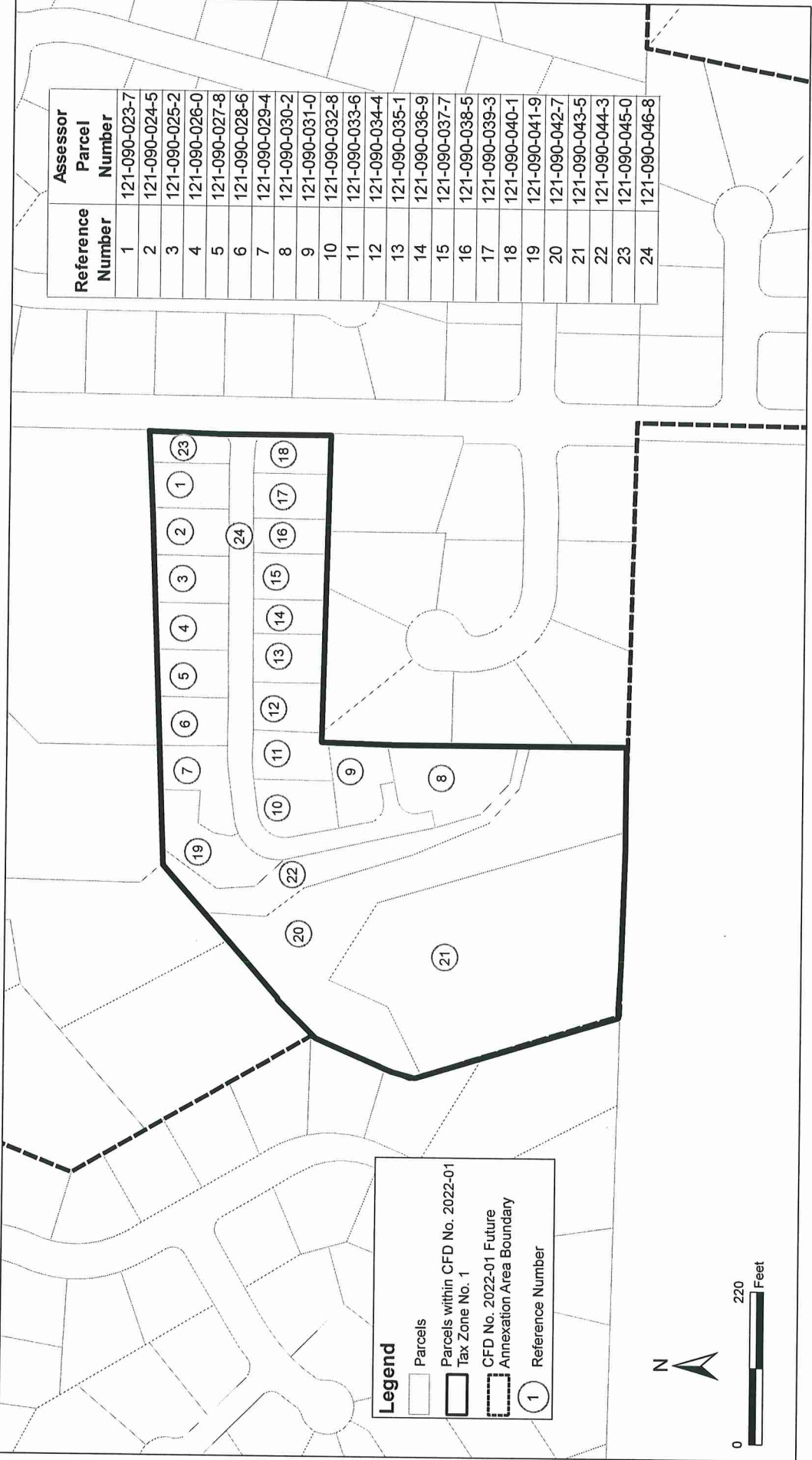


EXHIBIT B

CITY OF CLAYTON Community Facilities District No. 2022-01 (Public Services)

LIST OF AUTHORIZED SERVICES

The captioned Community Facilities District (the "CFD") will finance, in whole or in part, the following services ("services" shall have the meaning given to that term in the Mello-Roos Community Facilities Act of 1982), including all related direct, incidental, and administrative costs, expenses and the related reserves for replacement of equipment and facilities related to the foregoing:

- Annual operation, maintenance, and servicing, including repair and replacement, of all public storm drain and stormwater treatment facilities and improvements, including but not limited to detention and bio-retention basins and associated facilities, field inspections, record keeping, cost of permits and regulatory fees, environmental mitigation monitoring, annual reporting, vegetation management, removal of silt, sediment, trash and debris, etc. from treatment areas, drainage areas, detention and bio-retention basins, and City catch basins and outfall structures, and other associated services which are needed to operate, maintain and service, including repair and replacement, of the storm drain and storm water treatment facilities.
- Annual operation, maintenance, and servicing, including repair and replacement, of the City's streetlight system within the public right-of-way and public easements within the boundaries of the City, including streetlights mounted on PG&E and City-owned poles (wood, metal, or concrete), and appurtenant facilities which may include but not be limited to poles, fixtures, bulbs, conduits, equipment, including guys, anchors, posts, pedestals, and metering devices. Maintenance also includes the cleaning and removal of graffiti, and associated electric and utility costs.

If the City and a Property Owner's Association or a Homeowner's Association (collectively, "Owner's Association") enter into an agreement to allow the Owner's Association to provide Authorized Services, such services shall be defined as Contingent Services for the purposes of the CFD. Contingent Services shall be provided by the Owner's Association, unless such Owner's Association fails to maintain improvements or provides services at a level that meets City standards.

Any services to be funded by the CFD must be in addition to those provided in the territory of the CFD before the date of creation of the CFD, and may not supplant services already available within that territory when the CFD was created but may be used to fund services resulting from the additional impacts on existing improvements resulting from said development. It is expected that the services will be provided by the City, either with its own employees or by contract with third parties, or any combination thereof.

Administrative Expenses:

The direct and indirect expenses incurred by the City in connection with the establishment and administration of the CFD (including, but not limited to, the levy and collection of the special taxes) including the fees and expenses of attorneys, special tax consultants, or advisors, any fees of the County related to CFD or the collection of Special Taxes, an allocable share of the salaries of City staff directly related to the formation and administration of CFD and a proportionate amount of the City's general administrative overhead related thereto, any amounts paid by the City from its general fund or otherwise with respect to CFD for the Authorized Services, any amounts required to fund or replenish operating and capital reserves, expenses incurred by the City in undertaking any action to foreclose on properties for which the payment of Special Taxes is delinquent, any amounts necessary to maintain a reserve required by CFD for the payment of Authorized Services, and all other costs and expenses of the City in any way related to CFD.

EXHIBIT C

**CITY OF CLAYTON
Community Facilities District No. 2022-01
(Public Services)**

PROPERTY SUBJECT TO THIS PETITION

Assessor Parcel Number	Property Owner	Acreage
121-090-023-7	CMC CLAYTON LLC	0.169
121-090-024-5	CMC CLAYTON LLC	0.173
121-090-025-2	CMC CLAYTON LLC	0.169
121-090-026-0	CMC CLAYTON LLC	0.165
121-090-027-8	CMC CLAYTON LLC	0.162
121-090-028-6	CMC CLAYTON LLC	0.160
121-090-029-4	CMC CLAYTON LLC	0.221
121-090-030-2	CMC CLAYTON LLC	0.339
121-090-031-0	CMC CLAYTON LLC	0.196
121-090-032-8	CMC CLAYTON LLC	0.196
121-090-033-6	CMC CLAYTON LLC	0.175
121-090-034-4	CMC CLAYTON LLC	0.162
121-090-035-1	CMC CLAYTON LLC	0.169
121-090-036-9	CMC CLAYTON LLC	0.123
121-090-037-7	CMC CLAYTON LLC	0.166
121-090-038-5	CMC CLAYTON LLC	0.128
121-090-039-3	CMC CLAYTON LLC	0.170
121-090-040-1	CMC CLAYTON LLC	0.147
121-090-041-9	CMC CLAYTON LLC	0.283
121-090-042-7	CMC CLAYTON LLC	1.900
121-090-043-5	CMC CLAYTON LLC	1.999
121-090-044-3	CMC CLAYTON LLC	0.452
121-090-045-0	CMC CLAYTON LLC	0.107
121-090-046-8	CMC CLAYTON LLC	0.674

RESOLUTION NO. ##-2022

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLAYTON, CA STATING
THE INTENTION TO ESTABLISH A COMMUNITY FACILITIES DISTRICT AND
FUTURE ANNEXATION AREA**

**CITY OF CLAYTON
Community Facilities District No. 2022-01
(Public Services)**

WHEREAS, under the Mello-Roos Community Facilities Act of 1982, Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing at Section 53311, of the California Government Code (the “Act”), the City Council (the “Council”) of the City of Clayton (the “City”) is authorized to establish a community facilities district and to act as its legislative body;

WHEREAS, in order to finance the costs of certain public services permitted under the Act, the Council desires to form a new community facilities district; and

WHEREAS, under Section 53339.2 of the Act, the Council further desires and hereby determines that it is in the public convenience and necessity to undertake proceedings to provide for future annexation of territory to the proposed community facilities district.

NOW, THEREFORE, the City Council of the City of Clayton resolves as follows:

1. Authority. This Council proposes to conduct proceedings to establish a community facilities district and future annexation area pursuant to the Act.
2. Name of CFD; Name of Future Annexation Area. The name proposed for the community facilities district is “City of Clayton Community Facilities District No. 2022-01 (Public Services)” (the “CFD”).

The name proposed for the territory proposed to be annexed into the CFD in the future is “City of Clayton Community Facilities District No. 2022-01 (Public Services) (Future Annexation Area)” (the “Future Annexation Area”).

3. Boundaries Described. The proposed boundaries of the CFD and the Future Annexation Area are as shown on the map on file with the City Clerk. Those boundaries are hereby preliminarily approved and reference is hereby made to the boundary map for further particulars. The City Clerk is hereby directed to record, or cause to be recorded, the map of the boundaries of the CFD and the Future Annexation Area in the office of the Contra Costa County Recorder within 15 days after the date of adoption of this Resolution, but in any event no later than 15 days prior to the public hearing date specified below.

Parcels within the Future Annexation Area shall be annexed to the CFD only with

the unanimous approval (each, a "Unanimous Approval") of the owner or owners of each parcel or parcels at the time that parcel or those parcels are annexed, without any requirement for further public hearings or additional proceedings.

4. Services. The type of services (the "Services") proposed to be financed by the CFD and the Future Annexation Area pursuant to the Act shall consist of those listed in Exhibit A hereto and hereby incorporated herein. The City intends to provide the Services on an equal basis in the original territory of the CFD and, when it has been annexed to the CFD, the Future Annexation Area.

This Council hereby finds and determines that the public interest will not be served by allowing the property owners in the CFD and the Future Annexation Area to enter a contract in accordance with Section 53329.5(a) of the Act.

5. Special Tax. Except to the extent that funds are otherwise available to the CFD to pay for the Services, a special tax (the "Special Tax") sufficient to pay the costs thereof, secured by recordation of a continuing lien against all non-exempt real property in the CFD, will be levied annually within the CFD, and collected in the same manner as ordinary ad valorem property taxes, or in such other manner as this Council or its designee may determine, including direct billing of the affected property owners. The proposed rate and method of apportionment of the Special Tax among the parcels of real property within the CFD in sufficient detail to allow each landowner within the proposed CFD to estimate the maximum amount such owner will have to pay, are described in Exhibit B attached hereto and hereby incorporated herein (the "Rate and Method"). This Council hereby finds that the provisions of Section 53313.6, 53313.7 and 53313.9 of the Act (relating to adjustments to ad valorem property taxes and schools financed by a community facilities district) are inapplicable to the proposed CFD.

As required by Section 53339.3(d) of the Act, the Council hereby determines that the special tax proposed to pay for Services to be supplied within the Future Annexation Area shall be equal to any special tax levied to pay for the same Services in the existing CFD, except that a higher or lower tax may be levied within the Future Annexation Area to the extent that the actual cost of providing the Services in the Future Annexation Area is higher or lower than the cost of providing those Services in the existing CFD. In so finding, the Council does not intend to limit its ability to levy a special tax within the Future Annexation Area to provide new or additional services beyond those supplied within the existing CFD.

6. Exempt Property. The Rate and Method describes property exempt from the Special Tax for the CFD. If a portion of the property within the CFD becomes exempt for any reason, wholly or in part, from the levy of the Special Tax, this Council will, on behalf of the CFD, increase the levy to the extent necessary upon the remaining property within the CFD that is not exempt in order to yield the annual expenses of the CFD, if any, subject to the provisions of the Rate and Method and the Act regarding limitations on maximum annual Special Tax rates and annual increases in the annual Special Tax levy.

7. Election and Unanimous Approval. The levy of the Special Tax shall be subject to the approval of the qualified electors within the CFD at a special election. The proposed voting procedure shall be by approval of the qualified

landowner voters within the proposed CFD at a special election.

A special tax shall be levied in the Future Annexation Area only with the Unanimous Approval of the owner or owners of each parcel or parcels at the time that parcel or those parcels are annexed, without any requirement for further public hearings or additional proceedings.

8. CFD Report. The City Manager (or deputy or designee thereof) is hereby directed to study the proposed Services and to make, or cause to be made, and file with the City Clerk a report in writing (the "CFD Report"), which shall be a part of the record of the public hearing hereinafter specified and which shall present the following:

(a) A description of the Services that will be required to adequately meet the needs of the CFD.

(b) An estimate of the fair and reasonable cost of the Services and incidental expenses in connection therewith, and all other related costs.

9. Public Hearing. Tuesday, September 20, 2022, at 7:00 p.m. or as soon as possible thereafter, in the City Council Chamber located at Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, California, are hereby appointed and fixed as the time and place when and where this Council, as legislative body for the CFD, will conduct a public hearing on the establishment of the CFD and the Future Annexation Area, and consider and finally determine whether the public interest, convenience and necessity require the formation of the CFD and the Future Annexation Area and the levy of the Special Tax. Should the City determine that, due to a state of emergency or public health concerns, the meeting at which the hearing will be held will be held virtually in accordance with AB 361 or other applicable law, information to that effect will be posted on the City's website as soon as such information is available, and if possible, will be included on the meeting agenda for the public hearing.

10. Notice of Hearing. The City Clerk is hereby directed to cause notice of the public hearing to be given by publication one time in a newspaper published in the area of the CFD and the Future Annexation Area. The publication shall be completed at least 7 days before the date of the public hearing specified above.

The notice of the public hearing shall be substantially in the form specified in Section 53322 of the Act, with the form summarizing the provisions hereof hereby specifically approved.

11. Effective Date. This resolution shall take effect upon its adoption.

PASSED AND ADOPTED by the City Council of the City of Clayton at a meeting held on the 16th day of August, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

APPROVED:

Peter Cloven, Mayor

ATTEST:

Janet Calderon, City Clerk

EXHIBIT A

**CITY OF CLAYTON
Community Facilities District No. 2022-01
(Public Services)**

AUTHORIZED SERVICES

EXHIBIT B

**CITY OF CLAYTON
Community Facilities District No. 2022-01
(Public Services)**

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

EXHIBIT A

CITY OF CLAYTON Community Facilities District No. 2022-01 (Public Services)

Authorized Services

The captioned Community Facilities District (the "CFD") will finance, in whole or in part, the following services ("services" shall have the meaning given to that term in the Mello-Roos Community Facilities Act of 1982), including all related direct, incidental, and administrative costs, expenses and the related reserves for replacement of equipment and facilities related to the foregoing:

- Annual operation, maintenance, and servicing, including repair and replacement, of all public storm drain and stormwater treatment facilities and improvements, including but not limited to detention and bio-retention basins and associated facilities, field inspections, record keeping, cost of permits and regulatory fees, environmental mitigation monitoring, annual reporting, vegetation management, removal of silt, sediment, trash and debris, etc. from treatment areas, drainage areas, detention and bio-retention basins, and City catch basins and outfall structures, and other associated services which are needed to operate, maintain and service, including repair and replacement, of the storm drain and storm water treatment facilities.
- Annual operation, maintenance, and servicing, including repair and replacement, of the City's streetlight system within the public right-of-way and public easements within the boundaries of the City, including streetlights mounted on PG&E and City-owned poles (wood, metal, or concrete), and appurtenant facilities which may include but not be limited to poles, fixtures, bulbs, conduits, equipment, including guys, anchors, posts, pedestals, and metering devices. Maintenance also includes the cleaning and removal of graffiti, and associated electric and utility costs.

If the City and a Property Owner's Association or a Homeowner's Association (collectively, "Owner's Association") enter into an agreement to allow the Owner's Association to provide Authorized Services, such services shall be defined as Contingent Services for the purposes of the CFD. Contingent Services shall be provided by the Owner's Association, unless such Owner's Association fails to maintain improvements or provides services at a level that meets City standards.

Any services to be funded by the CFD must be in addition to those provided in the territory of the CFD before the date of creation of the CFD, and may not supplant services already available within that territory when the CFD was created but may be used to fund services resulting from the additional impacts on existing improvements resulting from said development. It is expected that the services will be provided by the City, either with its own employees or by contract with third parties, or any combination thereof.

Administrative Expenses:

The direct and indirect expenses incurred by the City in connection with the establishment and administration of the CFD (including, but not limited to, the levy and collection of the special taxes) including the fees and expenses of attorneys, special tax consultants, or advisors, any fees of the County related to CFD or the collection of Special Taxes, an allocable share of the salaries of City staff directly related to the formation and administration of CFD and a proportionate amount of the City's general administrative overhead related thereto, any amounts paid by the City from its general fund or otherwise with respect to CFD for the Authorized Services, any amounts required to fund or replenish operating and capital reserves, expenses incurred by the City in undertaking any action to foreclose on properties for which the payment of Special Taxes is delinquent, any amounts necessary to maintain a reserve required by CFD for the payment of Authorized Services, and all other costs and expenses of the City in any way related to CFD.

EXHIBIT B

CITY OF CLAYTON COMMUNITY FACILITIES DISTRICT NO. 2022-01 (PUBLIC SERVICES)

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

A Special Tax as defined below applicable to each Assessor's Parcel in the City of Clayton Community Facilities District No. 2022-01 (Public Services) (herein "CFD No. 2022-01" or "CFD") shall be levied and collected according to the tax liability determined by the City Council of the City of Clayton, acting in its capacity as the legislative body of CFD No. 2022-01, or its designee, through the application of this Rate and Method of Apportionment of Special Tax. All the Assessor's Parcels located within the boundaries of CFD No. 2022-01, unless exempted by Section E below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to CFD No. 2022-01.

A. DEFINITIONS

When applying this Rate and Method of Apportionment of Special Tax the terms set forth below have the following meanings:

"Accessory Unit" means a second unit of reduced size (e.g., granny cottage, etc.) that is following the construction of the primary unit on Residential Property. An Accessory unit shall not be considered a separate unit from the primary unit for purposes of this RMA and will not be levied a Special Tax if on the same Parcel as a unit subject to the Special Tax.

"Acre" or "Acreage" means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable final map, parcel map, condominium plan, record of survey, or another recorded County Parcel map. In the absence of such map, the Administrator will make the final "Acre" or "Acreage" determination as needed, utilizing, in the Administrator's discretion, available resources, including but not limited to available spatial and Geographic Information Systems (GIS) data.

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5 (commencing with Section 53311), of Division 2, of Title 5 of the Government Code of the State of California.

"Administrative Expenses" means the direct and indirect expenses incurred by the CFD or the City in connection with the establishment and administration of CFD No. 2022-01 (including, but not limited to, the levy and collection of the Special Taxes) including the fees and expenses of attorneys, special tax consultants, or advisors, any fees of the County related to CFD No. 2022-01 or the collection of Special Taxes, an allocable share of the salaries of City staff directly related to the formation and administration of CFD No. 2022-01 and a proportionate amount of the City's general administrative overhead related thereto, any amounts paid by the City from its general fund or otherwise with respect to CFD No. 2022-01 for the Authorized Services, expenses incurred by the City in undertaking any action to foreclose on properties for which the payment of Special Taxes is delinquent, any amounts necessary to maintain a reserve required by CFD No. 2022-01 for the payment of Authorized Services, and all other costs and expenses of the City in any way related to CFD No. 2022-01.

"Administrator" means an official of the City, or any designee thereof such a person or firm, to administer the Special Taxes according to this RMA.

"Assessor's Parcel" or "Parcel" means a lot or parcel shown on an Assessor's Parcel map with an assigned Assessor's Parcel number.

"Authorized Services" means the services authorized to be funded by CFD No. 2022-01, as provided in the CFD formation documents adopted by the City Council.

"Building Permit" means a permit issued by the City or other governmental agency for the construction of a building with an improvement valuation over \$50,000. Building Permits for the construction of ancillary structures such as fences, swimming pools, retaining walls, etc. are excluded.

"CFD No. 2022-01" or "CFD" means the City of Clayton Community Facilities District No. 2022-01 (Public Services).

"City" means the City of Clayton.

"City Council" or "Council" means the City Council of the City of Clayton, acting as the legislative body of CFD No. 2022-01.

“Contingent Services” means those Authorized Services to be funded by CFD No. 2022-01 as set forth in the documents adopted by the City Council at the time the CFD was formed and to be provided by the City in the event the City decides pursuant to Section D that a Property Owner Association fails to adequately provide such services.

“County” means the County of Contra Costa.

“Developed Property” means, in any Fiscal Year, all Parcels of Taxable Property where a Building Permit was issued on or before April 30 of the Fiscal Year preceding the Fiscal Year for which the Special taxes are being levied. Once a property is classified as Developed Property, it cannot be reclassified in subsequent years.

“Dwelling Unit” means one residential unit of any configuration, including but not limited to, a single family attached or detached dwelling, condominium, townhome, apartment, or other residential Dwelling Unit, including each separate living area within a half plex, duplex, triplex, fourplex, other residential structure, or mobile home. An Accessory Unit shall not be determined to be a Taxable Dwelling Unit for purposes of this RMA and will not be levied a Special Tax if on the same Parcel as a unit subject to the Special Tax

“Fiscal Year” means the period starting on July 1 and ending on the following June 30.

“Land Use Class” means the current or intended use of a Taxable Parcel listed in Table 1, as may be determined by the Taxable Parcel’s County Land Use Code.

“Maximum Special Tax” means the greatest amount of Special Tax that can be levied on an Assessor’s Parcel in CFD No. 2022-01 in any Fiscal Year, determined in accordance with Section C below.

“Property Owner” or “Homeowner” means the owner of fee title to an Assessor’s Parcel.

“Property Owner Association” or “Homeowner’s Association” (“HOA”) means the property owner’s association or homeowner’s association established to perform certain services within the boundaries of the CFD.

“Property Owner Association Property” or “Homeowner’s Association (“HOA”) Property” means for each Fiscal Year, any Assessor’s Parcel within the boundaries of the CFD that is owned by or irrevocably offered for dedication to a Property Owner Association or HOA, including any master or sub-association.

“Proportionately” means for Developed Property, that the ratio of the actual Special Tax levy to the Maximum Special Tax for each Tax Zone is equal for all Assessor’s Parcels of Developed Property.

“Public Property” means for each Fiscal Year, (i) any property within the boundaries of the CFD that is owned by or irrevocably offered for dedication to the federal government, the State of California, the County, or other governmental agency; provided however, that any property leased by a public agency to a private entity and subject to taxation under Section 53340.1(a) of the Act, as such section may be amended or replaced, shall be taxed and classified in accordance with its use; or (ii) any property within the boundaries of the CFD that is encumbered by an unmanned utility easement making impractical its utilization for other than the purposes set forth in the easement.

“Rate and Method of Apportionment” or “RMA” means this Rate and Method of Apportionment of Special Tax for CFD No. 2022-01.

“Residential Property” means all Assessor’s Parcels of Developed Property for which a Building Permit has been issued by the City for purposes of constructing one (1) or more residential Dwelling Units.

“Section 53340.1(a)” means Section 53340.1(a) of the Act.

“Special Tax” or “Special Taxes” means a special tax levied in any Fiscal Year to pay the Special Tax Requirement for each Special Tax Component. The Special Tax consists of two parts, Special Tax A and Special Tax B.

“Special Tax A” – means the Special Tax to be levied in each Fiscal Year to fund the Special Tax Requirement for Authorized Services, excluding Contingent Services.

“Special Tax B (Contingent)” – means the Special Tax to be levied in each Fiscal Year to fund the Special Tax Requirement for Contingent Services.

“Special Tax Component” means one of the following Special Taxes: Special Tax A or Special Tax B (Contingent).

“Special Tax Requirement” means for each Special Tax Component, the amount necessary in any Fiscal Year to (i) pay for Authorized Services, including Contingent Services if needed, (ii) pay the Administrative Expenses, (iii) cure any delinquencies in the payment of Special Taxes levied in prior Fiscal Years (based on delinquencies in the payment of Special Taxes which have already taken place) or are expected to occur in the current Fiscal Year, and (iv) to create or replenish reserve funds for Administrative Expenses, or future Authorized Services including capital replacements.

“Taxable Property” means all the Assessor’s Parcels within CFD No. 2022-01 which are not exempt from the Special Tax pursuant to law or Section E.

“Tax-Exempt Property” means all the Assessor’s Parcels not subject to the CFD Special Tax pursuant to Section E.

“Tax Zone” means a mutually exclusive geographic area within which the Special Tax may be levied pursuant to this RMA. All property within CFD No. 2022-01 at the time of CFD formation is within Tax Zone 1. Additional Tax Zones may be created when property is annexed to CFD No. 2022-01, and a separate Maximum Special Tax and Rate and Method of Apportionment of Special Tax may be identified for property within the new Tax Zone at the time of such annexation. The Assessor’s Parcels included within a new Tax Zone established when such Parcels are annexed to CFD No. 2022-01 shall be identified by Assessor’s Parcel Number in a Unanimous Approval Form that is to be executed and notarized by the owner(s) of the Parcels at the time of annexation.

“Unanimous Approval Form” means a form provided by the Administrator that is executed by the owner of fee title to a Parcel or Parcels to be annexed into CFD No. 2022-01 that constitutes the Property Owner’s approval and unanimous vote in favor of annexing into CFD No. 2022-01, and the levy of the Special Tax against the Parcel or Parcels being annexed pursuant to the RMA and which identifies any Tax Zone applicable to the Parcel or Parcels that are being annexed.

“Undeveloped Property” means, for each Fiscal Year, all Taxable Property not classified as Developed Property.

B. DATA COLLECTION FOR ANNUAL TAX LEVY

Each Fiscal Year, the Administrator shall identify the current Assessor’s Parcel numbers for all Parcels of Developed Property and Undeveloped Property within CFD No. 2022-01 and the applicable Tax Zone for each Parcel of Taxable Property. The Administrator shall also determine: (i) the Land Use of each

Assessor's Parcel of Developed Property, (ii) the number of Dwelling Units on each Parcel of Residential Property, and (iv) the Special Tax Requirement for each Special Tax Component.

In any Fiscal Year, if it is determined that (i) a parcel map for a portion of property in CFD No. 2022-01 was recorded after January 1 of the prior Fiscal Year, (ii) because of the date the parcel map was recorded, the Assessor does not yet recognize the new Parcels created by the parcel map, and (iii) one or more of the newly-created Parcels meets the definition of Developed Property, the Administrator shall calculate the Special Tax for the property affected by recordation of the parcel map by determining the Special Tax that applies separately to each newly-created Parcel, then applying the sum of the individual Special Taxes to the Parcel that was subdivided by recordation of the parcel map.

C. MAXIMUM SPECIAL TAXES

1. Maximum Special Taxes

The Maximum Special Taxes for Fiscal Year 2022-23 for a Parcel of Developed Property shall be determined by reference to Table 1 below:

Table 1

Land Use	Special Tax Component	Maximum Special Tax
Residential Property	Special Tax A ¹	\$348.52 per Dwelling Unit
Residential Property	Special Tax B (Contingent Services) ²	\$603.21 per Dwelling Unit
Residential Property Subtotal	Special Tax A and B	\$951.73 per Dwelling Unit

¹Special Tax A is intended to annually fund Authorized Services, excluding Contingent Services.

²Special Tax B is intended to fund Contingent Services, if needed. Contingent Services are those Authorized Services that the HOA is responsible for maintaining. The City shall not levy Special Tax B to pay for Contingent Services if HOA maintains the Contingent Services to City standards. Should the City determine the HOA has failed to maintain the Contingent Services to City standards, then Special Tax B will be levied to provide funding for the Contingent Services.

No Special Tax shall be levied on Undeveloped Property.

2. Maximum Special Tax Increases

On July 1, 2023, and each July 1 thereafter, the Maximum Special Tax rates shall be increased by a percentage equal to the greater of (a) the percentage increase, if any, in the prior calendar year's annual change in the Consumer Price Index for All Urban Consumers for the Bay Area: San Francisco-Oakland-Hayward, and (b) three percent (3%). In the event the Consumer Price Index for all Urban Consumers for the Bay Area: San Francisco-Oakland-San Jose ceases to be published, the Maximum

Special Tax may be increased based on a comparable index as determined by Administrator at the Administrator's discretion.

D. METHOD OF LEVY AND COLLECTION OF SPECIAL TAXES

The Special Taxes shall be levied annually each Fiscal Year according to the methodology below.

The Special Tax consists of two components: Special Tax A and Special Tax B (Contingent), and shall be levied commencing with the 2022-23 Fiscal Year, on each Parcel of Developed Property Proportionately as needed to satisfy the Special Tax Requirement for each Special Tax Component for the applicable Fiscal Year at up to the Maximum Special Tax for each Developed Property.

The Special Tax A is intended to be levied annually to fund Authorized Services, excluding Contingent Services. The Special Tax B (Contingent) is not intended to be levied annually but shall be levied in the event the City in its sole discretion determines that the HOA has defaulted in its obligation to provide the Contingent Services. A default of the HOA may be deemed to have occurred under each of the following circumstances, without exclusion of other circumstances in the City's sole discretion:

- The HOA files for bankruptcy;
- The HOA is dissolved;
- The HOA fails to provide Contingent Services at the same level as the City provides similar services and maintains similar improvements throughout the City. If the HOA fails to provide Contingent Services, the City shall provide written notice to the HOA, and the HOA shall have thirty (30) days after written notice from the City, or such longer period as may be permitted by the City, to remedy the deficiency to the reasonable satisfaction of the City.

The Special Taxes for CFD No. 2022-01 shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that the City may directly bill owners of Taxable Property and may collect Special Taxes at a different time or in a different manner if necessary to meet the financial obligations of the CFD.

E. EXEMPTIONS

Special Taxes shall not be levied on Public Property unless there is a leasehold interest of the character described by Section 53340.1(a). In addition, Tax-Exempt property shall also include but not be limited to Parcels categorized as Undeveloped Property, Property Owner Association Property, Restricted

Property, Parcels that receive a welfare exemption as described by Section 53340(c) of the Government Code, privately owned Parcels that are non-developable, such as common areas, wetlands, open space, remainder Parcels, Parcels with public or utility easements making impractical their utilization for other than the purposes set forth in the easement.

F. INTERPRETATION OF SPECIAL TAX FORMULA

The Council reserves the right to make administrative and technical changes to this document that do not materially affect the rate and method of apportioning Special Taxes. In addition, the interpretation and application of any section of this document shall be left to the Council's discretion. Interpretations may be made by the Administrator or by resolution of the Council for purposes of clarifying any vagueness or ambiguity in this RMA.

G. TERM OF THE SPECIAL TAX

The Special Tax shall be levied indefinitely as necessary to pay the Special Tax Requirement for each Special Tax Component at up to the Maximum Special Tax for each Developed Property.

H. APPEAL OF SPECIAL TAX LEVY

The Administrator may establish such procedures, as it deems necessary to undertake the review of any such appeal. The Administrator shall interpret this Rate and Method of Apportionment and make determinations relative to the annual administration of the Special Tax and any Property Owner appeals, as herein specified. Any Property Owner who believes that the amount of the Special Tax levied on their Assessor's Parcel is in error shall first consult with the Administrator regarding such error. If following such consultation, the Administrator determines that an error has occurred; the Administrator in consultation with the City Engineer shall take any of the following actions to correct the error:

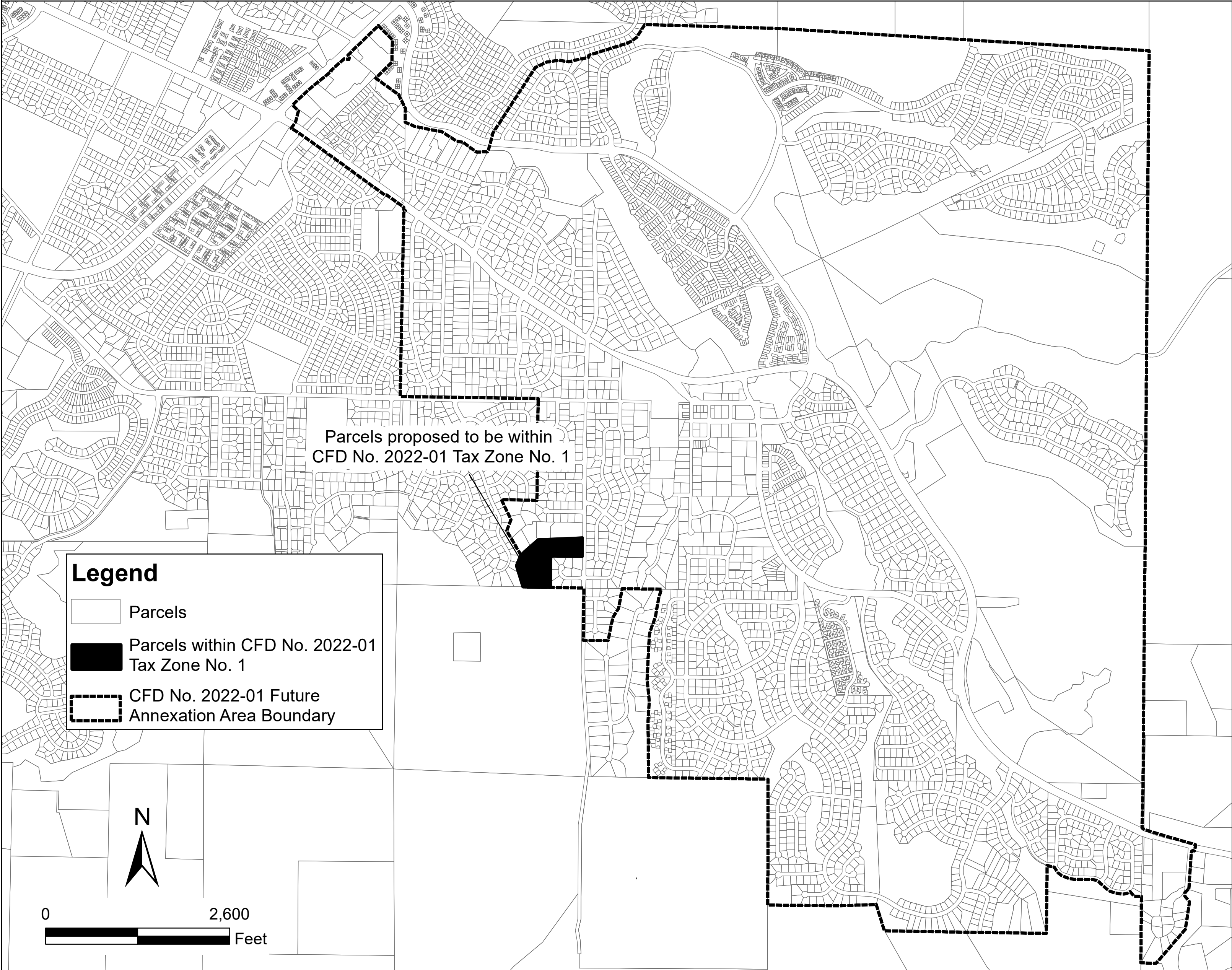
Amend the Special Tax levy on the Property Owner's property tax bill for the current Fiscal Year, or

Have the CFD reimburse the Property Owner for the amount of overpayment for the current Fiscal Year if CFD funds are available, or

Grant a credit against, eliminate, or reduce the future Special Taxes on the Property Owner's Assessor's Parcel(s) for overpayment for the current Fiscal Year.

If following such consultation and action (if any by the Administrator), the Property Owner believes such error still exists, such person may file a written notice with the City Engineer appealing the amount of the Special Tax levied on such Assessor's Parcel. If following such consultation and action (if any by the City Engineer), the Property Owner believes such error still exists, such person may file a written notice with the City Council appealing the amount of the Special Tax levied on such Assessor's Parcel. If the City Council determines an error exists; the Administrator shall take any actions as described above, to correct the error. The decision of the City Council shall be final and binding to all persons.

PROPOSED BOUNDARY MAP
CITY OF CLAYTON
COMMUNITY FACILITIES DISTRICT No. 2022-01
(PUBLIC SERVICES)
CITY OF CLAYTON
COUNTY OF CONTRA COSTA
STATE OF CALIFORNIA



FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF CLAYTON THIS _____ DAY OF _____, 2022.

JANET CALDERON, CITY CLERK
CITY OF CLAYTON
CONTRA COSTA COUNTY
STATE OF CALIFORNIA

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF CITY OF CLAYTON COMMUNITY FACILITIES DISTRICT NO. 2022-01, CITY OF CLAYTON, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF CLAYTON, AT A REGULAR MEETING THEREOF, HELD ON THE _____ DAY OF _____, 2022, BY ITS RESOLUTION NO. _____.

JANET CALDERON, CITY CLERK
CITY OF CLAYTON
CONTRA COSTA COUNTY
STATE OF CALIFORNIA

FILED THIS _____ DAY OF _____, 2022, AT THE HOUR OF _____M IN BOOK _____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE _____, DOCUMENT NO. _____ IN THE OFFICE OF THE COUNTY RECORDER IN CONTRA COSTA COUNTY, STATE OF CALIFORNIA.

COUNTY RECORDER
COUNTY OF CONTRA COSTA
STATE OF CALIFORNIA

ASSESSOR PARCELS WITHIN BOUNDARY: FOR PARTICULARS OF LINES AND DIMENSIONS OF PARCELS, REFERENCE IS MADE TO THE ASSESSOR PARCEL MAPS OF CONTRA COSTA COUNTY.

PROPOSED BOUNDARY MAP
CITY OF CLAYTON
COMMUNITY FACILITIES DISTRICT No. 2022-01
(PUBLIC SERVICES)
CITY OF CLAYTON
COUNTY OF CONTRA COSTA
STATE OF CALIFORNIA





STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Reina J. Schwartz, City Manager

DATE: August 16, 2022

SUBJECT: Review and Provide Direction to Staff Regarding City Council Request Items – Open and Completed

RECOMMENDATION

Review and provide direction to staff regarding City Council Request items.

BACKGROUND

Each year, the City Council typically conducts a goal-setting session, identifying priorities for the coming year. When the City Council held their most recent goal-setting session in March 2022, the City Council asked that the City Manager periodically bring back to the City Council the list of outstanding Council Request Items from prior City Council meetings. The purpose for bringing the list back is to review what has been accomplished as well as help set priorities going forward given limited staff and financial resources.

Attached to this report is the list of Council Request items received since December 15, 2020, when the current City Manager began employment for the Council. The first pages identify those items that are still outstanding, with a status update for each. The remaining pages list all of the requests that have been completed with a brief summary status of the outcome.

FISCAL IMPACT

There is no direct financial impact to reviewing the list of requests, although completing the requests does take staff time and can take direct financial resources depending on the item. It is beneficial for overall organizational performance to ensure that staff is focused on the highest priority items given limited resources.

City Council Requests Since 12/15/2020 – Open

Date	Requester	Request	Status
12/15/2020	Jeff Wan	<i>Clayton Municipal Code</i> regarding Residential Development Requirement of projects with 10 or more units	<i>Take up with Zoning Code Amendments that will follow the Housing Element Update in early 2023</i>
4/20/2021	Holly Tillman	Invitation to all new business that opened during COVID to speak at a future Council meeting	<i>Consider a twice-yearly recognition of new businesses at City Council (May and November) for any new businesses that have opened within the prior six months invited to participate and make up to 3 minutes of comments</i>
5/4/2021	Holly Tillman	How to obtain community feedback regarding Clayton Community Library hours	<i>Consider with FY2023/24 Budget Process if a priority funding item for additional hours.</i>
6/29/2021	Jeff Wan	**STANDING REQUEST OF GHAD** Publish a schedule of GHAD activities	<i>In process</i>
7/20/2021	Peter Cloven	Environmental Action Plan for Clayton	<i>Budget priority? Should this include a Climate Action Plan specifically?</i>
7/20/2021	Holly Tillman	<i>Clayton Municipal Code</i> to allow Food Truck Vendors	<i>Early 2023. In June 2022, the Planning Commission initiated the study to have the City evaluate needed code amendments related to food truck vendors as well as sidewalk push-cart vendors as regulated by state law.</i>
7/20/2021	Jeff Wan	City's website to include scheduled work, including completion dates, and specify areas of responsibility in the Landscape Maintenance District.	<i>In process</i>
12/7/2021	Holly Tillman	Poll of City Staff regarding their working relationship with City Council	<i>Request additional detail on desired outcomes and priority.</i>

City Council Requests Since 12/15/2020 – Open

Date	Requester	Request	Status
1/18/2022	Carl Wolfe	Landslide area near the school that continues to occur and possible solutions	<i>Maintenance is working with the Mt. Diablo Unified School District Maintenance staff to address school site drainage issues that lead to excessive runoff.</i>
5/17/2022	Jim Diaz	Consideration of an additional disabled parking spot downtown adjacent to The Grove Park.	<i>An additional disabled parking space could be established adjacent to an existing space on Center Street @ Marsh Creek adjacent to The Grove Park. If, however, the need is more related to Special Events, the Special Event permit process could include a condition to require additional accessible parking spaces be made available during events at The Grove Park.</i>
6/7/2022	Peter Cloven	Review the City's Mission, Vision and Values statements.	<i>Schedule to review with the Annual Goal-Setting Session in March 2023, in advance of the FY2023/24 Budget Process.</i>
08/02/2022	Jim Diaz	Establish a process for downtown events	<i>Underway; goal to present to the City Council a revised/updated Special Event process in early 2023, in advance of the 2023 special event season.</i>

City Council Requests Since 12/15/2020 – Completed

Date	Requester	Request	Status
12/15/2020	Jeff Wan	Review of Agenda Item Order (Public Comment in the beginning of the meeting)	Completed 2/16/2021 & 5/18/2021 & 6/1/2021
12/15/2020	Jim Diaz	Review/Re-issue City Council Guidelines and Procedures	Completed
1/5/2021	Holly Tillman	Proclamation for Black History Month, list of cultural heritage days/month	Completed 2/16/2021 & 4/6/2021 & 8/3/2021
1/5/2021	Holly Tillman	Research into Closed Captioning during Zoom meetings	Ongoing
1/19/2021	Holly Tillman	Staff to determine installation of an anti-racist library at City Hall	Completed; placed on private property
3/2/2021	Jim Diaz	Consideration of outdoor Cannabis cultivation in Clayton	Completed 5/4/2021 & 11/16/2021 & 12/7/2021
3/2/2021	Jeff Wan	CDD regarding the process of the Clayton Community Church Project	Completed 3/16/2021
3/16/2021	Jim Diaz	Reconsideration of recent (Maheri) claim that was denied (2/16/2022 Council meeting)	Completed 8/3/2021
4/6/2021	Carl Wolfe	Pride Flag to be flown in annually in June	Completed 6/15/2021
4/20/2021	Holly Tillman	Calendar of various committees meeting dates	Completed; sent to Council & posted on website
4/20/2021	Holly Tillman	Removal of Columbus Day from Cultural Heritage Proclamations	Completed 8/3/2021
4/20/2021	Carl Wolfe	Creative dialogue regarding SB9/SB10 and other bills that directly affect Clayton	Briefing on SB9/SB10 by City Attorney on 11/2/2021

City Council Requests Since 12/15/2020 – Completed

Date	Requester	Request	Status
5/4/2021	Holly Tillman	Addition of Armenian Genocide Remembrance Day to Cultural Heritage Proclamations	Completed; added at 4/5/2022 Council meeting
5/18/2021	Peter Cloven	Hazard Pay Ordinance	Completed 6/1/2021
5/18/2021	Peter Cloven	Implementation of a Vacancy Tax in Clayton	Vacancy Tax included in Revenue Options staff report on 2/1/2022
6/1/2021	Jim Diaz	Review Non-Governmental Signs code	Completed 8/3/2021
6/1/2021	Jeff Wan	Summer City Council Schedule	Completed 6/15/2021
6/1/2021	Jeff Wan	Information on going back to in-person meetings	Completed 9/21/2021 equipment upgrade for in-person hybrid meetings
6/29/2021	Jim Diaz	Microphone for Assistant to the City Manager during Zoom meetings as she is hard to hear	Completed
6/29/2021	Jeff Wan	Ballot Measure for General Revenue	Completed 9/21/2021 & 2/1/2022 & 2/15/2022
6/29/2021	Jeff Wan	Update to Engineering portion of the City's website to include Pavement Condition Index Report	Completed 8/2021
6/29/2021	Jeff Wan	In-Person City Council meetings to begin prior to September 30, 2021	Completed; anticipated date of 4/19/2022
6/29/2021	Jeff Wan	City letters of any concerns once the proposed reclamation plan is submitted to the County by CEMEX Quarry	Completed 3/15/2022 Council meeting
7/20/2021	Jeff Wan	Ballot Measure for General Revenue	Completed 2/1/2022 & 2/15/2022
9/21/2021	Jim Diaz	Request Maintenance to provide additional cleaning to The Grove Park during Concerts in The Grove season	Completed/ongoing

City Council Requests Since 12/15/2020 – Completed

Date	Requester	Request	Status
9/21/2021	Jim Diaz	City Manager 6-month evaluation	Evaluation completed at 1 year
9/21/2021	Holly Tillman	Review of protocol of City Council/Planning Commission procedures	Considered 3/22/2021 & 3/21/2022 City Council Special Meetings
9/21/2021	Carl Wolfe	City Fountain to run annually on September 11	Scheduled 8/2/22 to revise Fountain Policy.
10/5/2021	Jeff Wan	City's arrangements as the Fiscal Agent for Concerts in The Grove along with other arrangements of similar kind	Completed 4/19/2022
10/19/2021	Jeff Wan	City Council to consider alternative City Council meeting dates in order to meet some grant funding deadlines	Completed/extra dates were not needed
12/7/2021	Jim Diaz	CEMEX presentation regarding recent incident	City Council Ad Hoc Committee established to meet with CEMEX; meeting held March 8, 2022.
12/7/2021	Jim Diaz Jeff Wan	American Rescue Plan Funds considered for Police and City Staff	Completed 1/4/2022 & 1/18/2022
12/7/2021	Holly Tillman	Updated City Council Policies and Procedures	Discussed at 3/21/2022 Special Meeting.
1/18/2022	Peter Cloven	Bay Area Rapid Transit (BART) redistricting	Completed 2/1/2022
2/1/2022	Jim Diaz	Consider additional premium pay for Clayton's two part-time employees	Addressed by Mayor at 2/15/2022 Meeting
2/15/2022	Peter Cloven	CEMEX revised Reclamation plan and formation of ad-hoc committee (Cloven and Diaz)	Completed; Established 3/1/2022 and Ad Hoc met 3/8/2022
2/15/2022	Peter Cloven	Formation of ad-hoc committee including the Finance Director regarding the potential tax measure	5/3/22 – Council direction for no ballot measure in November 2022.
3/1/2022	Jim Diaz	City Council and Planning Commission form a Study Group regarding the Housing Element	Multiple dates have had input from Planning Commission and City Council on the Draft Housing Element; Element submitted to HCD

City Council Requests Since 12/15/2020 – Completed

Date	Requester	Request	Status
			7/14/22. May 24 (PC), May 31 (CC), June 14 (PC), June 23 (CC).
3/15/2022	Peter Cloven	“Otter Day” proclamation in honor of Dana Hills swim team	Completed at June 7, 2022 City Council
4/19/2022	Holly Tillman	How we handle facility rental fees and non-profits and any potential/requested reductions in those fees	Endeavor Hall Ad Hoc Subcommittee on 7/18/22. Additional evaluation to be done with review of Master Fee Schedule.
5/03/2022	Jim Diaz	Bring back/resolve tree claim (from storm in October 2020)	Tree claim is resolved as of August 2021. No further action to be taken.
5/03/2022	Jim Diaz	Update to the tree claim that occurred at Mitchell Canyon Road and Clayton Road.	Claim is closed and lawsuit filing period has passed.
6/07/2022	Jim Diaz	Organizational analysis.	Approved in FY2022/23 Budget. Proposals received 7/15/22.
6/07/2022	Carl Wolfe	Run the Clayton fountain on 9/11.	Fountain Operational Policy amended on August 2, 2022 to include September 11 th .